



# AGENDA

**Lake Park Town Commission**

**Town of Lake Park, Florida**

**Regular Commission Meeting**

**Wednesday, September 26, 2007, 7:30 P.M.**

**Lake Park Town Hall**

**535 Park Avenue**

**Paul Castro**

—

**Mayor**

**Edward Daly**

—

**Vice-Mayor**

**G. Chuck Balus**

—

**Commissioner**

**Jeff Carey**

—

**Commissioner**

**Patricia Osterman**

—

**Commissioner**

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**Maria V. Davis**

—

**Town Manager**

**Thomas J. Baird, Esq.**

—

**Town Attorney**

**Vivian Mendez**

—

**Town Clerk**

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

**A. CALL TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. ROLL CALL**

**E. PROCLAMATION:**

Stephen E. Smith

**THE TOWN COMMISSION WILL RECESS THE REGULAR COMMISSION MEETING AND CONVENE AN ATTORNEY-CLIENT SESSION; AFTER THE ATTORNEY-CLIENT SESSION THE COMMISSION WILL RECONVENE THE REGULAR COMMISSION MEETING AT APPROXIMATELY 8:00 P.M.**

**F. ADDITIONS/DELETIONS - APPROVAL OF AGENDA**

**G. PUBLIC and OTHER COMMENT**

This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a TOTAL of three minutes.

**H. COMMISSIONER COMMENTS, TOWN ATTORNEY, TOWN MANAGER:**

- I. CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located in the rear of the Chambers and give it to the Town Clerk. Cards must be submitted before the item is discussed.

**For Approval:**

- |  |       |
|--|-------|
| 1. Regular Commission Meeting Minutes of August 22, 2007   | Tab 1 |
| 2. Resolution No. 74-09-07 – Workforce Alliance Agreement  | Tab 2 |
| 3. Resolution No. 75-09-07 Ground Maintenance Worker II Position   | Tab 3 |
| 4. Resolution No. 76-09-07 PBSO Addendum to Contract   | Tab 4 |
| 5. Final 26 Baffle Inserts for the North Breakwater at the Marina  | Tab 5 |
| 6. Resolution No. 77-09-07 Recreation & Cultural Facilities Bond Funding<br>For Lake Shore Park Playground | Tab 6 |
| 7. Resolution No. 78-09-07 New Rental Fee Rate for Lake Shore Park<br>Picnic Pavilion                      | Tab 7 |
| 8. Holiday Boat Parade Contribution  | Tab 8 |
| 9. Board Appointments for the Community Development Corporation  | Tab 9 |

**J. PUBLIC HEARING(S)**

**ORDINANCE ON SECOND READING:**

10. ORDINANCE NO. 23-2007 Millage Rate Tab 10

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2007/2008; PROVIDING FOR AN EFFECTIVE DATE.

11. ORDINANCE NO. 24-2007 Budget Tab 11

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL

**YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

**12. ORDINANCE NO. 25-2007 Budget Amendment**

**Tab 12**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2006-2007 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 9-2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**QUASI-JUDICIAL HEARING:**

**13. ORDINANCE NO. 26-2007 Rezoning for Kohl's Department Store**

**Tab 13**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, FLORIDA REZONING APPROXIMATELY A 14.73 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED, AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WATER TOWER ROAD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAKE PARK, AS DEPICTED ON THE LOCATION MAP ATTACHED HERETO (EXHIBIT "B"), AND AS IS MORE PARTICULARLY DESCRIBED HEREIN AND ON EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**K. RESOLUTION(S):**

**14. RESOLUTION NO. 57-08-07 Facility Fee Waiver/ Reductions Criteria**

**Tab 14**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING NEW CRITERIA FOR FEE WAIVER REDUCTIONS FOR TOWN FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.**

**L. DISCUSSION AND POSSIBLE ACTION:**

**15. Electronic Gates for Lake Shore Park and Summary of Expenditures**

**Tab 15**

**16. Update on the Cost of Ball Field Trailer**

**Tab 16**

**M. ADJOURNMENT:**

# Proclamation

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: 9/26/07

Agenda Item No. Proclamation

- |   |   |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING                 | <input type="checkbox"/> RESOLUTION               |
| <input type="checkbox"/> Ordinance on Second Reading    | <input type="checkbox"/> DISCUSSION               |
| <input type="checkbox"/> Public Hearing                 | <input type="checkbox"/> BID/RFP AWARD            |
| <input type="checkbox"/> ORDINANCE ON FIRST READING     | <input type="checkbox"/> GENERAL APPROVAL OF ITEM |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM       | <input type="checkbox"/> CONSENT AGENDA           |
| <input checked="" type="checkbox"/> Other: Proclamation |   |

SUBJECT: Proclamation in honor of Stephen E. Smith.

RECOMMENDED MOTION/ACTION: Approval of Proclamation

Approved by Town Manager

Date:

Stephen E. Smith - Turner

8/31/07

Name/Title

Date of Actual Submittal

<b>Originating Department:</b> <u>HUMAN RESOURCES</u>	Costs: \$0.00 Funding Source: N/A Acct. #	<b>Attachments:</b> Proclamation
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Human Resources <u>BMT</u> <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>BMT</u> or Not applicable in this case _____: Please initial one.

Summary Explanation/Background:

**PROCLAMATION  
IN HONOR OF STEPHEN E. SMITH**

**WHEREAS; Stephen E. Smith** commenced his employment with the Town of Lake Park in the Public Works Department on December 5, 1977; and

**WHEREAS;** since his appointment as Maintenance Worker II in the Grounds Division, **Stephen E. Smith** diligently and continuously endeavored to perform quality work on a timely basis, thereby helping to enhance the appearance of the Town.

**WHEREAS; Stephen E. Smith** performed his tasks amiably among his colleagues and was well liked and much appreciated; and

**WHEREAS; Stephen E. Smith** performed his workload dependably, efficiently and with great humor and deep regard for the citizens of Lake Park until his retirement on May 29 , 2007; and

**WHEREAS;** the Town of Lake Park wishes to publicly recognize **Stephen E. Smith** for his service and accomplishments as an esteemed member of the Public Works Department;

**NOW, THEREFORE,** on behalf of the Commission of the Town of Lake Park, I, Paul W. Castro, Mayor of the Town of Lake Park, do hereby publicly recognize and commend **Stephen E. Smith** for his dedication and the service which he has rendered to this community.

**IN WITNESS WHEREOF,** I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 26<sup>th</sup> Day of September, 2007.

By: \_\_\_\_\_  
Mayor Paul W. Castro

ATTEST:

\_\_\_\_\_  
Vivian Mendez, Town Clerk

# **Consent Agenda**

# TAB 1



**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 1

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input checked="" type="checkbox"/> CONSENT AGENDA |
|---|--|

**SUBJECT:** Regular Commission Meeting Minutes of August 22, 2007.

**RECOMMENDED MOTION/ACTION:** Approve the Minutes from the Regular Commission Meeting of August 22, 2007.

Approved by Town Manager

Date:

Name/Title

Date of Actual Submittal

<b>Originating Department:</b> Town Clerk	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b> Application, memo
<b>Department Review:</b> <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development	<input type="checkbox"/> Finance <input type="checkbox"/> Fire Dept <input type="checkbox"/> Library <input type="checkbox"/> PBSO	<input type="checkbox"/> Personnel <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Clerk <i>YM</i> <input type="checkbox"/> Town Manager
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.  Yes I have notified everyone _____ or Not applicable in this case <u>  x  </u> :  Please initial one.	

**Summary Explanation/Background:**



**Minutes  
Town of Lake Park, Florida  
Regular Commission Meeting  
August 22, 2007 7:30 p.m.**

**Town Commission Chambers, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, August 22, 2007 at 7:30 p.m. Present were Mayor Castro, Vice-Mayor Daly, Commissioners Balius, Carey, and Osterman, Town Manager Maria Davis, Attorney Karen Roselli, and Town Clerk Vivian Mendez.

Vivian Mendez led the Invocation.

Commissioner Osterman led the Pledge of Allegiance.

Town Clerk Vivian Mendez performed the Roll Call.

**ADDITIONS/DELETIONS/APPROVAL OF AGENDA**

Discussion of Code Compliance Board was moved after the Consent Agenda. Item #5 Resolution No. 59-08-07 was moved to last item on the agenda and Item #10 Ordinance No. 19-2007 was deferred.

**Motion: A motion was made by Commissioner Balius to approve the Agenda as modified; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**PRESENTATION:**

Proclamation to Jane Terwillegar

Mayor Castro thanked Jane Terwillegar for all of the hard work she put into the Library and for her work with the Kiwanis Club. He read the proclamation.

Ms. Terwillegar thanked everyone and especially the Library staff and Town staff.

**Motion: A motion was made by Commissioner Balius to approve the Proclamation to Jane**

**Terwillegar; Commissioner Carey made the second.**

**Vote on Motion:**

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**PUBLIC and OTHER COMMENT**

*Earl Stewart of Stewart Toyota* – apologized to the Commission for the hostility between himself, his company and the Town. He took full responsibility. He asked to open the lines of communication, get the facts on the table and make the right decision for his company and the Town. He stated that everything the Town has done for him and his company. He requested the Town's help for his next project. He reviewed the things that the Town has done for him and his company in the past. He requested time for discussion at the next Commission Meeting to discuss the next project of razing Journey's Inn, extending the service department and body shop and the construction of a parking garage. He met with his employees and directed them to bury the hatchet, get along with the Commission, and do what's best for the Town and Earl Stewart Toyota.

Mayor Castro thanked Mr. Stewart for coming and for opening a dialogue between himself and the Commission. He further stated that there was an opportunity to mend fences and possibly start on the second phase of the Earl Stewart Project. He informed Mr. Stewart that he could speak with the Commissioners individually.

*Bill Reichel President of Reichel Realty & Investments, 8845 N. Military Trail* – gave a brief history of his company and expertise. Earl Stewart has been a client of his for the past 18 years and Mr. Reichel has always had the utmost respect for him. Mr. Stewart has always gone above and beyond in all of his business dealings with Reichel Realty & Investments and he hoped that the Commission could work with Mr. Stewart on his project.

*John Glen OGS Architects* – stated that he was looking forward to working with the Commission and moving forward with the Earl Stewart Project.

Commissioner Osterman recommended a public discussion on the Earl Stewart Project versus individual private discussions.

Mayor Castro stated that a dialogue needed to be created between the Commission and Mr. Earl Stewart and he would give Mr. Stewart a call if needed.

Commissioner Balius stated that he would like to see the Earl Stewart Project begin.

**COMMENTS BY COMMISSION, TOWN MANAGER, TOWN ATTORNEY**

**Commissioner Carey** stated he appreciated the Commission accompanying him to the League of Cities Conference. It was a great opportunity to get to know the Commissioners outside of their element and to see other cities' views and struggles.

**Commissioner Osterman** stated that she appreciated the opportunity to spend time with the Commissioners at the League of Cities Conference. She recommended having work sessions before Commission Meetings to have a more informal way to understand and discuss issues.

**Mayor Castro** asked Commissioner Osterman asked for clarification on work sessions.

**Commissioner Osterman** explained that a work session would be a pre-meeting to discuss issues in a more comfortable setting that would be open to the public. It would be a way of sharing ideas more fully and informally.

**Mayor Castro** stated that he didn't mind having work sessions for large projects. He didn't see the need to have one before each Commission Meeting.

**Commissioner Osterman** explained that the work sessions would give the Commission the opportunity to discuss issues and share more background on the issues before the Commission Meetings.

**Mayor Castro** stated that he tries to be as vocal and communicative as possible during the Commission Meetings but is sometimes overbearing and would work on those issues. He recommended having a work session on the CRA Plan.

**Commissioner Osterman** stated that she would like to have insight on individual perspectives on certain issues.

**Commissioner Balius** stated that he enjoyed the League of Cities conference. It was the first time that the Commissioners spent time together. He attended the Future Property Tax and Home Bill Conference. After the presentation the attendees were asked who would vote for Home Bill I. Only two people raised their hands. The entire room voted against Home Bill I.

Commissioner Balius further stated that he lost his schedule for the Bert Bostrom ball field and would like a replacement. Since he's been back from the League of Cities Conference there, have been football players playing every night at 6 pm. He also observed tire tracks on the field and noted that the field was not supposed to be driven on.

**Town Manager Maria Davis** stated that she drove her vehicle on the field earlier in the week and that those tracks might have been the tracks observed by Commissioner Balius.

**Commissioner Balius** stated that he was under the impression that the football players were only using the field two nights a week.

**Town Manager Maria Davis** stated that the program had not begun yet and the players were doing drills. She asked why it was a problem for the players to use the field before starting their games.

**Commissioner Balias** stated that if the ball field was used every day the grass would not have an opportunity to grow.

**Town Manager Maria Davis** stated that she thought the idea of scheduling the games was so that AYSO and POP Warner did not conflict and further did not believe that the football players using the field every night would ruin the grass. She asked if the Commission wanted her to stop the players from using the field.

**Commissioner Balias** stated that there was a problem last year when the field was being used constantly and the grass was killed.

**Town Manager Maria Davis** stated that she was uncomfortable that she was now hearing those complaints. There was an agreement with AYSO and POP Warner that if either organization was having a problem they would come to her.

**Commissioner Balias** stated that he needed another schedule.

**Town Manager Maria Davis** stated that she would be happy to provide Commissioner Balias with a new schedule. She wanted to understand what the Commission's direction was.

**Commissioner Balias** stated that he was under the impression that the teams could not start until they had their insurance.

**Interim Recreation Department Director Greg Dowling** stated John Russ was in his office that day and he had just contacted POP Warner to get the insurance forms. He just received the soccer forms that day. Drills were done that day and equipment was passed out. The teams were practicing on the Little League field and there was a monthly schedule available.

**Commissioner Balias** stated that he was under the impression that the teams were supposed to add the Town to their insurance policy.

**Interim Recreation Department Director Greg Dowling** stated that Mr. Russ was a one man show but trying his best to get the teams together and programs started. The POP Warner teams were practicing Tuesday, Wednesday, and Thursday. AYSO was practicing Monday, Friday and Saturday. No teams would be practicing on Sunday.

**Vice-Mayor Daly** asked for assurance that the Commission would meet with the insurance carrier before the budget meeting.

**Town Manager Maria Davis** stated that the insurance carrier would be at the next budget meeting.

**Vice-Mayor Daly** stated that some employees were unhappy with the insurance situation and he would like to get clarification on the changes that would be made. He asked if insurance was a bid process.

**Town Manager Maria Davis** stated that the last time the insurance was bid out was in Budget Year 2005-2006. Insurance should not be bid out every year because the insurance carriers would not bid if the contract was bid annually. An insurance representative will be at the September 12, 2007 Commission Meeting.

**Vice-Mayor Daly** recommended that Town Manager Maria Davis give updates periodically on the issues at the ball field.

**Town Manager Maria Davis** stated that she would be forwarding minutes of each meeting every Friday to resolve any issues or concerns that arise between either of the organizations. There should not be any problems if there is communication and each party adheres to the agreement. There were two issues that AYSO brought to her attention which were subsequently resolved. AYSO was not happy with the storage situations and they now have storage on the second floor of the ball field building on 7<sup>th</sup> St. Secondly, AYSO was upset because POP Warner had not come out with the schedule. If POP Warner's schedule was not received by that end of business on August 22, 2007, the Town would come up with their own schedule and POP Warner would have to adhere to it. She was hoping that the regularly scheduled meetings would calm the drama and resolve the issues.

**Vice-Mayor Daly** requested that Town Manager keep the Commission updated on what was going on with the ball field.

**Commissioner Osterman** asked there was an insurance liability on the ball field before the organizations actually had their insurance in place.

**Mayor Castro** stated that the Town was fully covered should anyone get injured on the ball field.

**Vice-Mayor Daly** observed that lawn cuttings were blowing into the gutters and getting caught in the catch basins which has clogged up the drains. He recommended notifying contractors to pick up their lawn clippings.

**Mayor Castro** referred to an article in the Weekday written by Bert Bostrom that indicated that Lake Park had a strong Mayor form of government. He stated that he was not a strong mayor who makes all the decisions for the Commission. Each Commissioner has their say and opinion over every issue. The Firefighter's Pension lawsuit was unanimously voted on by the Commission.

**Commissioner Balius** announced that Bob Dobson, a former police officer with Lake Park, recently passed away.

**Town Attorney Karen Roselli** gave an update on the Firefighter's Pension Fund lawsuit. There has been no opinion given on the case.

**Town Manager Maria Davis** introduced Anne Costello as the Town's new Finance Director. She has 22 years experience with the City of Lake Worth and would start work on Monday. She announced that Public Works Director Joseph Kroll would be leaving the Town to work for the City of Lake Worth. She congratulated him and wished him well.

She referred to a notification of a Public Hearing that would take place on September 11, 2007 regarding the Park Ave. extension in the Palm Beach County Commission Chambers at 9:30 am.

Lake Shore Park is nearing completion and she requested setting a date for dedication. She asked the Commission for their protocol for park dedications.

**Mayor Castro** requested an early morning dedication. He recommended any Saturday before noon.

Discussion ensued between the Commissioners regarding dates for the dedication of Lake Shore Park.

The Commission recommended October 13<sup>th</sup> or 27<sup>th</sup> for the dedication ceremony. Each Commissioner agreed to check their calendars and confirm a date.

**Town Manager Maria Davis** stated that there was previously a brief discussion on having electric gates for Lake Shore Park. Captain Douglas Reece liked the idea and recommended putting timers on the gates.

Discussion ensued between the Commissioners regarding the installation of electric gates at Lake Shore Park.

**Town Manager Maria Davis** stated that she would bring back an estimate for electric gates for discussion at the next Commission Meeting of September 12, 2007.

She recommended adding Jeff Blakely to the dedication plaque as landscape architect for Lake Shore Park.

**The Commission came to consensus to have Jeff Blakely's name on Lake Shore Park's dedication plaque.**

**Town Manager Maria Davis** asked the Commission to recommend a date for the Comprehensive Plan Workshop with Coradino and Associates.

The Commission requested that the Comprehensive Plan Workshop be scheduled on a Wednesday.

**Town Manager Maria Davis** stated that there was a Park Ave Improvement Workshop scheduled for next Wednesday, August 29, 2007. September 5<sup>th</sup> and September 19<sup>th</sup> were open to schedule the Comprehensive Plan Workshop.

**The Commission came to consensus to have the Comprehensive Plan Workshop on September 19, 2007.**

**Town Manager Maria Davis** stated that she was contacted by the Holiday Boat Parade of the Palm Beaches Committee Chair.

**Mayor Castro** stated that he was also contacted by the Chair to make a donation. He requested that Town Manager Maria Davis check on what the contribution was last year and put it on the next Commission Meeting Agenda for discussion.

**Town Manager Maria Davis** stated that the Holiday Boat Parade of the Palm Beaches Committee Chair requested the use of the Harbor Marina to have a barge to conduct their fireworks display on the day of the Holiday Boat Parade.

**Town Manager Maria Davis** stated that the Town was able to get a one (1) year extension on their dredging grant.

She announced that Stephen Smith had retired after 30 years as a Town employee, and a luncheon would be held for him on Friday, August 24, 2007 at noon. She asked the Commission to present Mr. Smith for his years of service to the Town.

**The Commission came to consensus to present Stephen Smith with a proclamation for his 30 years of service with the Town.**

**CONSENT AGENDA:**

1. Regular Commission Meeting Minutes of July 18, 2007
2. Budget Workshop Meeting Minutes of July 25, 2007
3. Resolution No. 55-08-07 Library State Aid
4. Resolution No. 56-08-07 Tennis Pro Contract
5. Resolution No. 59-08-07 Forming an independent Non-Profit 501 (c)(3) Organization
6. Resolution No. 60-08-07 Florida Recreation Development Assistance Program (FRDAP) Grant Submission
7. Resolution No. 61-08-07 Rental Fee Structure
8. Resolution No. 63-08-07 Addendum to Hy-Byrd Contract

Items 3, 5, 6, and 8 were pulled from the Consent Agenda for discussion.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balias to approve items 1, 2, 4, & 7 of the Consent Agenda; Commissioner Carey made the second.**

**Vote on Motion:**

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		



Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Mayor Castro asked if the Library State Aid required a matching grant or matching funds.

Former Library Director Jane Terwillegar explained that the Library State Aid did not require a matching grant. The funds would be reduced from last year. She expected the funds to be approximately \$12,000. They would not know the exact amount until January.

**Motion: A motion was made by Commissioner Carey to approve item #3 Library State Aid of the Consent Agenda; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balus	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Mayor Castro asked if the FRDAP Grant required a matching grant.

Grants Writer Gini Martin explained that the FRDAP Grant required a matching grant if over \$50,000 was awarded. Whatever match would be required could be matched by a grant that the Town would receive from the U.S. Soccer Foundation. They would provide the engineering and architectural components for the soccer field.

Mayor Castro asked what the requirements were from the U.S. Soccer Foundation.

Ms. Martin stated that the U.S. Soccer Foundation required that the Town provide training for children and get them involved in soccer and to promote training for the referees and coaches.

Mayor Castro asked what the U.S. Soccer Foundation required for the infrastructure improvements of the soccer fields and if they had to be strictly soccer fields or could they be co-mingled.

Ms. Martin stated that the soccer fields could be co-mingled.

**Motion: A motion was made by Commissioner Carey to approve item #6 FRDAP Grant of the Consent Agenda; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balus	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Mayor Castro asked for clarification on the inspection that needed to be done for a Business Tax License.

Community Development Director Patrick Sullivan explained that when a business owner moves into a vacant property, an inspector must go out to inspect the property to make sure the building is up to code and to confirm that the space is adequate to cover the business' needs.

Mayor Castro stated that there should not be a requirement for an inspection on a building that was already built unless they were doing improvements.

Community Development Director Patrick Sullivan explained that if major improvements were being done to the building than the adequate permits would need to be pulled. The building is inspected to determine if it is safe and adequate.

Mayor Castro stated that there would be no need for an inspection and no liability issue for the Town.

Town Manager Maria Davis requested that item #8 Addendum to Hy-Byrd Contract be pulled and deferred until she could do more research on it.

Discussion ensued between the Commission regarding the history of the Hy-Byrd Contract.

**Motion: A motion was made by Commissioner Osterman to defer item #8 Addendum to Hy-Byrd Contract of the Consent Agenda to the next Commission Meeting of September 12, 2007; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balus	X		

Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

### **Discussion and possible action**

#### **Code Compliance Board**

Community Development Director Patrick Sullivan reviewed the costs to run a Code Compliance Board. He made a comparison of costs between the Code Compliance Board and the Special Magistrate Hearing. Two attorneys must be present for the Code Compliance Board and staff is paid overtime at approximately \$25 per hour. He calculated approximately \$1200 to \$1500 per Code Compliance Board Meeting. Between January 2006 and April 2007 there was approximately \$29,000 in administrative costs billed for the Special Magistrate Hearing and the in-house administrative costs were approximately \$17,000. He explained that many violations were resolved before going to the Code Compliance Board Meetings and those violations were usually resolved one to two days before the meeting. There was a total of 60 cases in one year for the Code Compliance Board Meetings and over 200 in one year for the Special Magistrate Hearings. Staff called other municipalities to see if they had Code Compliance Boards. Three municipalities - Palm Beach, Greenacres, and North Palm Beach - had a Code Compliance Board. Eight municipalities had only a Special Magistrate. Director Sullivan recommended holding off on the Code Compliance Board.

Commissioner Balias asked for clarification of the figures and cost comparisons of the Code Compliance Board and Special Magistrate Hearings. He did not see how the Code Compliance Board was cost effective for the Town.

#### **Public Comment Open.**

*Barbara Bursey, 209 Cypress Dr.* – thanked the Commission for the opportunity to serve on the Code Compliance Board for the past 6 years. She understood how governments work and that they would not keep something that was not cost effective such as the Code Compliance Board. She expressed her love for the Town and the Town's children. She stated that she would find something else to do instead of the Code Compliance Board.

*Desca Dubois, 516 Sabal Palm Dr.* – stated that she had been with the Code Compliance Board for 10 years. She thanked the Code Compliance Board Members. She stated that the Code Compliance Board was supposed to be making revenue. Several meetings were cancelled because someone who was crucial to the board was out of town. She thanked the Commission for the opportunity to serve. It was important to her that the Special Magistrate was able to keep the Town aesthetically pleasing. She recommended that the Code Compliance Board be suspended rather than be abolished.

## **Public Comment Closed.**

Commissioner Balius stated that the issue with the Code Compliance Board was a fixed cost of \$1300 to \$1400 which was not cost effective if only two cases were heard.

Mayor Castro stated that reviewing the efficiency of the Code Compliance Board was to be more efficient by doing the same job at a lower cost.

Vice-Mayor Daly stated that he wanted to give the Code Compliance Board the opportunity to speak. He expressed concern over eliminating boards. He wished the Code Compliance Board members well and hoped that they could find something else that they could do for the Town.

Commissioner Osterman agreed and liked the idea of suspending the Code Compliance Board rather than abolish it.

Attorney Karen Roselli stated that what was done in the past with other municipalities was to leave the Code Compliance Board in the Town code and the Town had the option of using the Code Compliance Board when they found it necessary.

Commissioner Carey recommended the suspension of the Code Compliance Board in the same manner that the Harbor Marina Board was suspended to an on call or as needed basis.

**Motion: A motion was made by Commissioner Balius to discontinue the Code Compliance Board until the Commission deems it necessary to bring it back; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Mayor Castro recommended letters to all of the Code Compliance Board members informing them of their decision and authorize the Town Manager to present proclamations to all of the Code Compliance Board Members.

**The Commission came to consensus to have proclamations presented to all Code Compliance Board Members.**

## **PUBLIC HEARING(S)**

### **ORDINANCES ON 2nd READING**

#### **ORDINANCE NO. 18-2007 - Reasonable Accommodation**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CHAPTER 78, ARTICLE I, TO CREATE NEW CODE SECTION 78-6 TO BE ENTITLED "REASONABLE ACCOMMODATIONS PROCEDURES" PROVIDING FOR REASONABLE ACCOMMODATION PROCEDURES PURSUANT TO THE FAIR HOUSING AMENDMENTS ACT AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Ordinance No. 18-2007 upon 2<sup>nd</sup> reading; Commissioner Osterman made the second.**

**Vote on Motion:**

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Karen Roselli read Ordinance No. 18-2007 by caption only.

### **ORDINANCES ON 1<sup>st</sup> READING**

#### **ORDINANCE NO. 20-2007 – Citations**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 9, ARTICLE III, OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA BY AMENDING SECTION 9-71 ENTITLED "ENFORCEMENT PROCEDURES AND STANDARDS"; AND REPEALING SECTION 9-72 ENTITLED "NOTICE TO APPEAR"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open:**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Osterman to approve Ordinance No. 20-2007; Commissioner Balius made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Karen Roselli read Ordinance No. 20-2007 by caption only.

**ORDINANCE NO. 21-2007 – Amending Chapter 54 to Correct Miscellaneous Errors.**

**A ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 54, SECTION 54-81 ENTITLED “PROPERTY MAINTENANCE STANDARDS, GENERALLY”; SECTION 54-82 ENTITLED “BOARDED UP BUILDINGS, HURRICANE SHUTTER REMOVAL REQUIRED”; SECTION 54-131 ENTITLED “NUISANCE DECLARED”; SECTION 54-132 ENTITLED “NUISANCE TO BE ABATED”; AMENDING SECTION 54-133 ENTITLED “PROCEDURE FOR ABATEMENT OF NUISANCE”; SECTION 54-134 ENTITLED “APPEAL PROCEDURE”; PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice-Mayor Daly requested clarification on whether residents or the Town was responsible for sidewalks.

Mayor Castro stated that repair of damaged sidewalks was the sole responsibility of the Town.

**Public Comment Open:**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 21-2007; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission	Aye	Nay	Other
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Member			
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Karen Roselli ready Ordinance 21-2007 by caption only.

**ORDINANCE NO. 22-2007 Business Tax Increase**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCE CHAPTER 28, TO RE-CLASSIFY BUSINESSES, OCCUPATIONS AND PROFESSIONS BY CATEGORY, TO ELIMINATE THE LISTING OF CERTAIN ARCHAIC AND OBSOLETE BUSINESSES, AND TO INCREASE THE BUSINESS TAX CHARGED FOR THE PRIVILEGE OF ENGAGING IN A BUSINESS, PROFESSION, OR OCCUPATION WITHIN THE TOWN OF LAKE PARK BY AMENDING SECTION 28-41 ENTITLED "SCHEDULE OF FEES AND REGULATIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Public Comment Open:**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to approve Ordinance No. 22-2007; Commissioner Carey made the second.**

**Vote on Motion:**

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

Attorney Karen Roselli read Ordinance No. 22-2007 by caption only.

## **RESOLUTIONS**

### **RESOLUTION NO. 57-08-07 – Facility Fee Waiver/ Reductions Criteria**

#### **A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING NEW CRITERIA FOR FEE WAIVER REDUCTIONS FOR TOWN FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Balius stated that the majority of municipalities charge business owners and residents equally. He agreed with the majority of the fees (see Exhibit “A”) but had a problem with not charging a public sector organization for use of the facilities and only giving residents a 10% discount.

Town Manager Maria Davis stated that the Commission could set up the rental facility fees whichever way they wanted.

Commissioner Balius recommended charging out of town business entities full price. He could understand giving the Lake Park Kiwanis Club a break because they donate funds to the Town every year.

Commissioner Osterman recommended changing Category I of the rental facility fees to state Public Organizations located within the Town of Lake Park. She asked if the AYSO and Lake Park Sharks Occupational License was through the Town or with their home base.

Town Manager Maria Davis recommended that organizations located outside of the Town produce a legitimate 501(c)(3) certificate and that they serve in the Town in order to rent the Town’s facilities.

Discussion ensued between the Commission regarding the criteria for organizations and rental facility fees.

Mayor Castro asked for flexibility in the rental fee criteria so that the Town could accommodate national organizations such as the Salvation Army.

Commissioner Osterman recommended that if an organization meets the criteria in Category I or II they would not have to come before the Commission for approval. If an organization falls outside the categories they would have to come before the Commission for approval.

Commissioner Balius had concerns with the proposed rental fees for outside organizations.

Mayor Castro recommended that Resolution No. 57-08-07 be deferred for further discussion at the next Commission Meeting of September 12, 2007.

Discussion continued between the Commission regarding rental fee criteria for the Town’s rental facilities.

Town Manager Maria Davis stated that the Commission had requested that staff provide rental fee criteria for review and to make a decision to have the criteria set in place.



Mayor Castro asked that if a rental facility fee could be waived for an organization should they donate 75% of their proceeds from the event back to the Town.

Town Manager Maria asked if Mayor Castro wanted revisions made to the rental fee criteria.

Mayor Castro agreed to have staff make revisions to the rental fee criteria and bring it back to the Commission for review.

Discussion continued between the Commissioners regarding rental fee criteria for the Town's rental facilities.

Town Manager Maria Davis stated that a church had come to the Town requesting the use of the ball room for church services.

Mayor Castro stated that churches were a special exception in the district and it would constitute running a church service in a municipal building.

Interim Recreation Director Gregory Dowling stated that the church had contacted them because they were being kicked out of their building. There were approximately 12 people who needed to meet in the ballroom to gather and talk on Sunday mornings.

Commissioner Balius stated that Town Hall should not be rented out for church services.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Balius to defer Resolution No. 57-08-07 to the next Commission Meeting of September 12, 2007; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**RESOLUTION NO. 58-08-07 – Dockage Rate**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE REVISED DOCKAGE RATE SCHEDULE FOR THE**

## **LAKE PARK HARBOR MARINA FOR VESSEL OWNERS AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Balius asked for clarification on Resolution No. 58-08-07.

Town Manager Maria Davis explained that a 30 foot boat could lease a 40 foot slip until a 40 foot boat became available for the slip. If there were no 30 foot slips available, a 40 foot slip would be offered until a 40 foot boat came in.

Marina Manager Michael Klingensmith explained that there were a large number of 60 foot slips and a smaller number of 30 and 40 foot slips. There has been a problem where there have been people coming in with 40 and 50 foot boats in which he would have to charge them for a 60 foot slip. Those boats were going to other marinas because they were able to get slips at a cheaper rate than the 60 foot slip.

Vice-Mayor Daly asked if the charges would be for a daily rental.

Marina Manager Michael Klingensmith explained that the charges would be monthly or annually. Daily rentals could be charged by the size of the vessel. He explained that a 50 foot boat could be held in a 60 foot slip until a 50 foot slip became available.

Commissioner Osterman stated that she was comfortable with monthly charges but not annual charges for smaller boats placed in larger slips.

Marina Manager Michael Klingensmith explained that the smaller boat would utilize the larger slip until a smaller slip became available.

Discussion ensued between the Commission regarding rental charges for boat slips at the Marina.

Attorney Karen Roselli stated that as long as a boat owner consents to renting a larger boat slip and the language in the lease agreement was correct it shouldn't be a problem.

Town Manager Maria Davis stated that the rental agreements for boat slips would need to be given to the Town Attorney so that the language could be reviewed.

Vice-Mayor Daly stated that he wanted to be sure that the proper language was in the boat slip rental agreement.

Commissioner Osterman stated that she was comfortable approving Resolution No. 58-08-07 theoretically but would like to see a revised contract before approval.

Attorney Karen Roselli stated that Resolution No. 58-08-07 could be approved subject to the revised lease agreement.

Discussion ensued between the Commission and Marina Manager Michael Klingensmith regarding the availability of boat slips at the Marina.

Commissioner Osterman recommended a summer monthly rate of \$20 for boat slip rentals

Marina Manager Michael Klingensmith stated that there was already a summer monthly rental rate of \$17.50.

Mayor Castro stated that he did not want the larger boat slips available during the season.

Marina Manager Michael Klingensmith explained how the Marina would accommodate the larger boats but also the smaller boats while there was space for them.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 58-08-07; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balias	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**RESOLUTION NO. 62-08-07 Authorizing the Town Manager to Identify and Engage an Audit Committee**

**A RESOLUTION OF THE TOWN OF LAKE PARK, FLORIDA, AUTHORIZING THE TOWN MANAGER TO IDENTIFY AND ENGAGE A NEW AUDITING FIRM; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Maria Davis explained that Tallahassee had come up with a new statute for the selection of an auditing firm. She recommended changing the Town's current auditing firm. By statute the Town could no longer follow the current procedures and processes for a Request for Proposal (RFP). An Audit Committee must now review all proposals. The Finance Director or Town Manager can no longer have any input into the Request for Proposal (RFP) process. The law states that the governing body must be the Audit Committee. The Commission was the governing body. The law states that the Audit Committee must have the proper expertise. If it does not, outside expertise could be brought in to assist the Commission. She explained the following options for the Audit Committee. The whole Commission could be the Audit Committee and outside expertise could be brought in. One or two members of the Commission could volunteer to be on the Audit Committee and the rest of the Committee could be made up of outside members. The last option would be to make the Audit Committee out of a three person

team of Finance Directors from other cities as expertise to make recommendations to the Commission.

Mayor Castro stated that he did not want to volunteer for the Audit Committee.

Commissioner Carey asked how many members were required for the Audit Committee.

Town Manager Maria Davis stated that three members were required for the Audit Committee.

Mayor Castro recommended an outside Audit Committee that the Commission did not pick.

Town Manager Maria Davis stated that so far she had Stanley Hockman from Royal Palm Beach and Patrice Monaco from Belle Glade who have volunteered. There was one more person she was waiting for.

Mayor Castro asked if there were any volunteers closer than Belle Glade.

Town Manager Maria Davis stated that she just put out a word to her colleagues for volunteers.

Mayor Castro stated that he would like to see and know who the volunteers were before choosing.

Discussion ensued between the Commission regarding the Audit Committee.

**Public Comment Open.**

*None*

**Public Comment Closed.**

**Motion: A motion was made by Commissioner Carey to approve Resolution No. 62-08-07 and to form an Audit Committee consisting of Vice-Mayor Daly, Commissioner Balius and three other professional finance directors to oversee the selection of an auditor for the Town; Commissioner Osterman made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

**General Approval of Item**

### **Minor changes to Mariner's Key site plan**

Mayor Castro asked if changes could be made to a plan that was heard under a Quasi-Judicial Hearing without having a Quasi-Judicial Hearing for the changes.

Attorney Karen Roselli explained that the changes or amendments to a site plan needed to be made under a Quasi-Judicial Hearing. If it was not an administrative change, it would have to go through the Quasi-Judicial process.

Community Development Director Patrick Sullivan explained that the Resolution allowed him to make minor changes to the site plan. The one area that needed to come before the Commission was the color changes. The current proposed changes were not related to colors.

Mayor Castro asked why the discussion of changes to Mariner's Key was brought to the Commission.

Community Development Director Patrick Sullivan explained that the Commission previously stated that it wanted to review any changes that were made to the site plan.

Bill Hughes of Principal Design Development passed out a copy of the Mariner's Key site plan (see Exhibit "B") for the Commission's review and reference.

Attorney Karen Roselli explained that Community Development Director Patrick Sullivan was looking for guidance from the Commission as to whether the changes were changes that could be done under his authority and that he could do administratively or if they were changes that needed to be done by the Quasi-Judicial process.

Bill Hughes explained the proposed changes to the Mariner's Key site plan. There were changes made to carports and softening of the pads in the detention ponds. The carports would be changed from a trellis design to a design with a hard metal roof. He explained the illustration (see Exhibit "B") to the Commission.

Commissioner Balias stated that he liked the changes made to the carports.

Mayor Castro asked that staff review changes to site plans with the Town Attorney before bringing it to the Commission.

Attorney Karen Roselli explained that in reviewing the agenda item on Mariner's Key she assumed that Community Development Director Patrick Sullivan was looking to the Commission for guidance on whether he could make the changes to Mariner's Key administratively.

**The Commission came to consensus to approve the minor changes to the site plan for the Mariner's Key project.**

### **Town Manager's six month performance evaluation**

**Motion: A motion was made by Commissioner Balius to approve Town Manager Maria Davis' performance evaluation and to award a pay raise of \$5000 which would bring her total salary to \$130,000; Vice-Mayor Daly made the second.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Balius	X		
Commissioner Carey	X		
Commissioner Osterman	X		
Vice-Mayor Daly	X		
Mayor Castro	X		

Motion passed 5-0.

#### **Discussion and Possible Action**

##### **Temporary use of a satellite dish at the Marina**

Town Manager Maria Davis stated that there was no infrastructure for cable at the Lake Park Harbor Marina. She asked Marina Manager Michael Klingensmith to explain.

Marina Manager Michael Klingensmith explained that many boats at the Marina currently had satellite dishes. There was no cable at the Marina for the use of checking weather like other marinas. The Harbor Marina Advisory Board recommended that accommodations be made for those boats to make their own arrangements until cable was put in at the Marina.

Mayor Castro recommended contracting with Comcast.

Town Manager Maria Davis explained that former staff had approached Comcast in the past and were turned down.

Mayor Castro asked if it was time to renew or renegotiate a contract with Comcast.

Vice-Mayor Daly stated that cable companies were changed from Adelphia to Comcast and recommended checking into negotiating with the current cable company.

Attorney Karen Roselli stated that approximately one year ago outside counsel checked to see if any modifications needed to be made to the franchise agreement with Comcast.

Commissioner Carey stated that the satellite would not be on the boats but a satellite would be on one of the pilings for the smaller boats to access.

Vice-Mayor Daly stated that he did not want to see satellite dishes all over the Marina. He stated that there were people living at the Marina.

Mayor Castro stated that there should be no one living at the Marina.

Commissioner Carey stated that revenue could be made by allowing boaters to have satellite dishes installed.

Mayor Castro stated that there was not a need to have satellite dishes at a Marina that does not allow boaters to live aboard their boats.

Vice-Mayor Daly stated that there were people living at the Marina. He asked Marina Manager Michael Klingensmith to explain.

Marina Manager Michael Klingensmith explained that the boats that were over 60 feet that come down for the winter have a mate and a captain that live on board. The mate and captain are required by insurance to live on board. Owners of those boats must show proof of a primary residence. Other boaters come down for a week or two at a time and do not use the boats as a primary residence.

Mayor Castro directed the meeting back to the discussion of satellite dishes.

Marina Manager Michael Klingensmith explained that there were rules and regulations where the Town could not prohibit the installation of a satellite on a boat.

Mayor Castro stated that the concern was over having satellite dishes on the docks.

Town Manager Maria Davis asked if there was a Resolution or minutes to a meeting pertaining to the boat owners living on their boats.

Mayor Castro stated that the FIND permit had a requirement that the Marina could not have live aboards as a condition to complete the construction of the Marina.

Town Manager Maria Davis asked for direction regarding the larger boats that have mates and captains living aboard.

Mayor Castro stated that they would have to talk to the State about that matter.

Discussion ensued about the boat owners living on board their vessels.

Commissioner Balius stated that he has received more complaints about the man on the motorcycle at the Marina than any other complaint.

Marina Manager Michael Klingensmith asked for direction on what to do about the motorcyclist.

Commissioner Balius stated that the motorcyclist lives on a boat and if he was not allowed to live on the boat the problem would be resolved.

Marina Manager Michael Klingensmith stated that there were two people at the facility who owned motorcycles. He spoke with one of them and was assured that he was not the motorcyclist who was rattling their pipes in the early morning hours.

Commissioner Balius recommended that Vice-Mayor Daly and Town Manager Maria Davis get together and discuss the matter of the motorcyclist at the Marina.

Mayor Castro recommended having satellite service at the Lake Park Harbor Marina.

Town Manager Maria Davis stated that they would look into the different options for satellite service at the Marina.

Commissioner Balius recommended a League of Cities conference titled "Everything you want to know about helping City Council and Advisory Boards be more Effective" at a cost of \$45.

**Resolution No. 59-08-07 Forming and independent Non-Profit 501(c)(3) Organization**

Town Manager Maria Davis requested authorization to develop a 501(c)(3) organization in order to obtain grants from private entities and foundations. Three persons must be selected to serve as officers.

Mayor Castro stated that he would like to think more about the agenda item and would like more information before making a decision.

**The Commission came to consensus to defer Resolution No. 59-08-07 to the next Commission Meeting of September 12, 2007.**



## ADJOURNMENT

There being no further business to come before the Commission and after a motion to adjourn by Vice-Mayor Daly and seconded by Commissioner Balius, and by unanimous vote, the meeting adjourned at 9:55 p.m.

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Mayor Castro

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Deputy Clerk Jessica Shepherd

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Town Clerk Vivian Mendez

Town Seal

Approved on this \_\_\_\_ of \_\_\_\_\_, 2007.

# TAB 2

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 2

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> <b>RESOLUTION</b><br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|--|---|

**SUBJECT:** Work Experience Interns

**RECOMMENDED MOTION/ACTION:** Authorize the Town Manager to sign the agreement with Workforce Alliance.

**Approved by Town Manager**

*He. Davis*

**Date:**

9/16/07

Virginia Martin, Grants Writer  
 Name/Title

September 12, 2007  
 Date of Actual Submittal

<b>Originating Department:</b>  <div style="text-align: center;">Grants</div>	Costs: \$ 0  Funding Source:  Acct. #	<b>Attachments:</b> Resolution Contract
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <u>G.M.</u> <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>G.M.</u> Please initial one.

**Summary Explanation/Background:**

This agreement will provide the Town with extra help in Public Works, specifically (3) grounds maintenance interns and (2) sanitation interns. These adult individuals will be working with us for periods of 6 months +/- at no financial cost to the Town, in return for training and a work reference upon completion of their training period. The interns will be provided through the PBC Workforce Alliance.

**RESOLUTION NO. 74-09-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO SIGN A WORKSITE AGREEMENT BETWEEN THE WORKFORCE ALLIANCE, INC. AND THE TOWN OF LAKE PARK FOR THE PURPOSE OF PROVIDING WORK EXPERIENCE AND TRAINING ACTIVITIES FOR ALLIANCE PROGRAM PARTICIPANTS.**

**WHEREAS**, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Workforce Alliance, Inc. wishes to place Alliance program participants with a Provider for the provision of work experience and training activities; and

**WHEREAS**, the Town desires to provide work experience and training activities for Workforce Alliance program participants; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town Commission of the Town of Lake Park, Florida:

**SECTION 1.** The Town Manager is hereby authorized and directed to sign an agreement with the Workforce Alliance, Inc. for the provision of work experience and training activities for Alliance Program participants.

**SECTION 2.** This Resolution shall take effect immediately upon its adoption.

WORK SITE AGREEMENT NUMBER 2007-311  
BY AND BETWEEN  
WORKFORCE ALLIANCE, INC.  
326 Fern Street, Suite 301, West Palm Beach, FL. 33401  
AND

Town of Lake Park, Florida  
(INSERT PROVIDER NAME)

**ADDRESS:** 535 Park Avenue, Lake Park, FL 33403

**FEI NO:** 59-6000355

**PROVIDER DESCRIPTION:**

Chartered Township, unit of local government

**WHEREAS**, Workforce Alliance, Inc. (hereinafter "Alliance") wishes to place Alliance Program participants with the Provider for the provisions of work experience and training activities; and

**WHEREAS**, the Provider wishes to provide work experience and training activities for Alliance Program participants (hereinafter "participants");

**NOW THEREFORE**, the parties enter into this Agreement for the provision of work experience and training activities work site services upon the following terms and conditions:

**I. Term**

This Agreement shall begin on the date last signed by both parties and continue three calendar years thereafter, unless earlier terminated pursuant to Article VII. of this Agreement or a participant has not completed his/her work experience with the Provider, in which event this Agreement shall continue to be in full force and in effect until the duration of the remaining time required for the participant to complete his/her work experience with the Provider.

**II. Participant Status**

The participant is not an employee of the Provider or Alliance.

**III. Independent Contractor**

Both parties in the performance of this Agreement will be acting in an individual capacity and not as agents, employees, partners, joint venturers, or associates of one another.

**IV. Provider Representations and Duties**

1. Provider represents that (1) it is a private non-profit or public non-profit corporation, or local governmental entity and (2) is capable of providing a work experience to participants in accordance with the terms of this Agreement.

2. Provider agrees to:

- A. develop and provide a work site designed to provide participants with a non-paid, job training experience commonly referred to as a "Work Experience".
- B. maintain the confidentiality of all information provided by or about any participant, except as otherwise approved and authorized in writing by the participant, or as otherwise authorized by law.
- C. provide participants with a work experience described in "Attachment I Training Outline" and attached hereto.
- D. provide work experience training to participants so he/she can adequately perform his/her work experience. Work experience hours shall not exceed the maximum hours per month stated on the participant's referral.
- E. provide participants with the same working hours, lunch periods and break times that would be afforded to paid employees.
- F. not to place participants in positions that are involved in political activity or the instruction of worship.
- G. notify Alliance in writing immediately upon notice of the status of a participant when one or more of the following situations occur:
  - a) the participant has failed to attend the initial interview or refused a suitable work site offer or voluntarily quit training.
  - b) the participant was not accepted by Provider's into a work experience.
  - c) the participant has experienced absenteeism or sickness or other problems.
  - d) the participant secured employment with the Provider or with another entity.
- H. comply with all applicable federal, state and local laws, regulations, policies and procedures relative to Alliance's work experience program.
- I. obtain written approval from Alliance before assigning this Agreement.
- J. complete and maintain the required participant time record forms, progress reports and periodic evaluation forms and provide such records upon request by Alliance for monitoring purposes.

**V. Alliance Representations and Duties**

1. Alliance agrees to:

- A. provide a written referral to the Provider for consideration in a work experience with the Provider containing the participant's name, date of referral and the Program in which the participant is a recipient.
- B. provide supportive services, subject to funding availability, to eligible participants that enable the participant to maintain his/her work experience activities and that are allowed by the Program rules, laws and regulations.
- C. inform the Provider of the maximum number of hours each participant is required to participate and the expected length of the participant's placement in the work site activity.
- D. provide the required participant time record forms, progress reports and periodic evaluation forms to be completed by the Provider.

## **VI. Manner of Service Provision**

1. The work site Training Outline/Job Description ("Attachment 1") must be approved by Alliance prior to the work experience beginning for any participant.
2. Provider agrees to provide the necessary instruction, supervision and equipment for a participant to perform work experience duties.
3. Provider agrees to submit to the Alliance Direct Service Provider on a weekly basis a work experience training program time sheet signed and dated by Provider and the participant.
4. Provider shall train the participant with the necessary skills for an entry level work experience in the designated job title.
5. No participant may participate in a Provider work experience unless the participant is referred to Provider by Alliance or the Alliance Direct Service Provider in writing and in accordance with the terms of this Agreement.
6. All participants are to be provided with the same working conditions by Provider accorded to other employees presently in the Provider's work force. However, for purposes of workers' compensation coverage the participant will be considered an employee of the State of Florida and is subject to the requirements of the drug free workplace program. Participants shall not be considered employees of Provider, although Provider shall have all supervisory responsibility.
7. No currently employed Provider employee shall be displaced by a participant. This includes partial displacement such as reduction in the hours of non-overtime work, wages or employment benefits.
8. No participant shall be hired into or remain working in any position when the same or substantially equivalent position is vacant due to a hiring freeze or when any regular employee is on lay-off from the same or substantially equivalent position or when the regular employee has been bumped and has recall or bumping rights to that position pursuant to the provider's personnel policy or collective bargaining agreement.
9. Provider shall indemnify and hold harmless Alliance, its officers, agents, employees, and the Palm Beach County Board of County Commissioners from liability of any nature or kind, including costs, expensed, and attorney's fees, for or on account of any actions, claims, suits or damages of any character whatsoever arising out of any negligent act or omission of the Provider or any employee, agent, subcontractor, or representative of Provider.
10. Provider may conduct background checks of potential participants as necessary and as a pre-requisite for acceptance of any participant at a work site.

## **VII. Termination**

Either party may terminate this Agreement, with or without cause, at any time by giving written notice to the other party. This Agreement will be modified at anytime without notice to the other party upon change or amendment to any law or regulation that governs the Program.

## **VIII. Notice and Contact**

The name, address and telephone number of each parties representative to this Agreement is as follows:

### **Alliance**

ATTN: Kathryn Schmidt, President/CEO  
Workforce Alliance, Inc.  
326 Fern Street, Suite 301,  
West Palm Beach, Florida 33401  
Telephone (561) 340-1061

### **Provider**

ATTN: Maria Davis, Town Manager  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403  
Phone: (561) 881-3304

In the event a different representative is designated by either Party after execution of this Agreement, written notice including the name, address and telephone number of the new representative will be sent in writing to the other Party.

#### **IX. Monitoring**

At any time and as often as Alliance, the State of Florida, United States Department of Labor, Comptroller General of the United States, the Inspector General of the United States and the State of Florida, or their designated agency or representative may deem necessary, Provider shall make available all appropriate personnel for interviews and all participant records or other data relating to matters covered by this Agreement for the purpose of monitoring activities and determining compliance with all applicable rules and regulations, and the provisions of this Agreement. Provider shall respond in writing to monitoring reports and requests for corrective action plans within 20 working days after the receipt of such request from Alliance.

#### **X. Entire Agreement**

This Agreement constitutes the entire understanding of the parties with respect to the subject matter hereof. All other prior agreements, understandings and representations regarding the subject matter hereof are hereby superseded and terminated.

**IN WITNESS WHEREOF**, Provider and Alliance have caused this Agreement to be duly executed as of the date set forth below.

APPROVED BY:  
WORKFORCE ALLIANCE, INC. (ALLIANCE)

APPROVED BY:  
TOWN OF LAKE PARK (PROVIDER)

BY: Kathryn Schmidt  
SIGNED ALLIANCE PRESIDENT/CEO,  
KATHRYN SCHMIDT

BY: \_\_\_\_\_  
SIGNED PROVIDER AUTHORIZED  
REPRESENTATIVE

MARIA DAVIS, TOWN MANAGER  
PROVIDER AUTHORIZED  
REPRESENTATIVE

WITNESS:

Rebecca Broeker

WITNESS: \_\_\_\_\_

DATE: 8-21-07

DATE: \_\_\_\_\_



**ATTACHMENT 1**  
**WORK SITE TRAINING OUTLINE/JOB DESCRIPTION FORM**

1. Worksite Location Town of Lake Park, Public Works Department, 650 Old Dixie Highway, Lake Park,  
FL 33403

2. Worksite Title        Grounds Maintenance Worker

3. Worksite Occupational Title Landscaping and Groundskeeping Worker DOT Code  
O\*NET Code: 37-3011.00

4. Worksite Duties

- Operate powered equipment such as mowers, tractors, twin-axle vehicles, chain-saws, electric clippers, sod cutters, and pruning saws.
- Mow and edge lawns, using power mowers and edgers.
- Care for established lawns by mulching, aerating, weeding, grubbing and removing thatch, and trimming and edging around flower beds, walks, and walls.
- Use hand tools such as shovels, rakes, pruning saws, saws, hedge and brush trimmers, and axes.
- Prune and trim trees, shrubs, and hedges, using shears, pruners, or chain saws.
- Gather and remove litter.
- Maintain and repair tools, equipment, and structures such as fences, and benches, using hand and power tools.
- Mix and spray or spread fertilizers, herbicides, or insecticides onto grass, shrubs, and trees, using hand or automatic sprayers or spreaders.
- Provide proper upkeep of sidewalks, driveways, parking lots, fountains, planters, and other grounds features.

4. Length of Worksite Experience \_\_\_\_\_

5. Ending Date of Work Site Experience \_\_\_\_\_

6. Participant Name \_\_\_\_\_

ATTACHMENT <sup>018</sup> ~~X~~ 2  
WORK SITE TRAINING OUTLINE/JOB DESCRIPTION FORM

1. Worksite Location Town of Lake Park, Public Works Department, 650 Old Dixie Highway, Lake Park, FL 33403
2. Worksite Title Sanitation Worker
3. Worksite Occupational Title Refuse and Recyclable Material Collector DOT Code  
O\*NET Code: 53-7081.00
4. Worksite Duties Individual will work on the back of our rear loader sanitation truck picking up trash, and (s)he will also be trained in other aspects of the sanitation business. If the individual does not have their CDL license, we can help with training so they can acquire one in time.

### Tasks

- ♦ Inspect trucks prior to beginning routes to ensure safe operating condition.
- ♦ Refuel trucks and add other necessary fluids, such as oil.
- ♦ Fill out any needed reports for defective equipment.
- ♦ Drive to disposal sites to empty trucks that have been filled.
- ♦ Drive trucks along established routes through residential streets and alleys, or through business and industrial areas.
- ♦ Operate equipment that compresses the collected refuse.
- ♦ Operate automated or semi-automated hoisting devices that raise refuse bins and dump contents into openings in truck bodies.
- ♦ Dismount garbage trucks to collect garbage and remount trucks to ride to the next collection point.
- ♦ Communicate with dispatchers concerning delays, unsafe sites, accidents, equipment breakdowns, and other maintenance problems.
- ♦ Keep informed of road and weather conditions to determine how routes will be affected.

5. Length of Worksite Experience \_\_\_\_\_
6. Ending Date of Work Site Experience \_\_\_\_\_
7. Participant Name \_\_\_\_\_

**ATTACHMENT 3  
WORK SITE LETTER OF TRANSMITTAL**

Attached please find a Work Site agreement that requires your attention. Please provide the requested information, sign your name, the date and forward the agreement to the next individual listed on this transmittal page.

Direct Service Providers (DSP) staff  
Initiating Work Site Agreement:

Maryann Garrett 8/10/07  
Name Date

Alliance Program Manager

Quintel Douglas 8/20/07  
Name Date

Alliance V.P. Programs

DJ 8/21/07  
Name Date

Alliance CEO/President

Kathryn Schmidt 8/21/07  
Name Date

Alliance Dir. Quality

[Signature] 8/21/07  
Name Date

Agreement No:

2007- 311  
To Be Completed By Alliance

Copy forwarded to DSP Staff

G. Harris, J. Cook & J. Fagan 9-10-07  
Insert Name DSP Staff Date

# TAB 3

**Town of Lake Park Town Commission**  
**Agenda Request Form**

**Meeting Date: September 26, 2007**

**Agenda Item No. 3**

- |   |   |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> <b>RESOLUTION</b><br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|---|---|

**SUBJECT: Resolution to Revise the Town Classification and Pay Plan to add the Job Description for the Position of Grounds Maintenance Worker II**

**RECOMMENDED MOTION/ACTION:**

**Approval of Resolution.**

**Approved by Town Manager**

**Date:**

*G. Dawls / Interim Director Parks & Rec.*  
Name/Title

*9-18-07*  
Date of Actual Submittal

<b>Originating Department:</b>  <b>Parks &amp; Recreation</b>	Costs: \$ 0  Funding Source:  Acct. #	<b>Attachments:</b>  Exhibit A
<b>Department Review:</b> <input checked="" type="checkbox"/> <b>Parks &amp; Recreation</b> _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____  Please initial one.

**Summary Explanation/Background:** Staff has determined after an examination of the ongoing appearance of the ballfield, and parks that it would be in the best interest of the Town to create a position which the Recreation Director would be directly responsible for the ongoing maintenance of such areas. The purpose of this resolution is to add to the Classification and Pay Plan of the Town of Lake Park the Grounds Maintenance Worker II position which was contained in the Fiscal Year 2008 budget. The job description for this position is attached.

**RESOLUTION NO. 75-09-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REVISING THE TOWN CLASSIFICATION AND PAY PLAN TO ADD THE JOB DESCRIPTION FOR THE POSITION OF GROUNDS MAINTENANCE WORKER II; PROVIDING FOR THE PUBLICATION OF AN UPDATED CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park is a duly constituted municipality organized and existing under the laws of the State of Florida and Chapter 166, Fla. Stat; and

**WHEREAS**, the Classification and Pay Plan is based upon similarity of duties performed and responsibilities assumed, so that the same qualifications are reasonably required for the same schedule of pay, and are equally applied to all positions in the same class; and

**WHEREAS**, it is necessary to provide an updated listing of certain current titles and classifications within the Town service,

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as if fully set forth herein.

**Section 2.** The Classification and Pay Plan is revised to amend the job description for the position of Ground Maintenance Worker II. A copy of the amended job description is attached hereto as Exhibit A.

**Section 3.** This Resolution shall become effective immediately upon adoption.

## **GROUNDS MAINTENANCE WORKER II**

**CLASSIFICATION CODE;** 331  
**PAY GRADE;**  
**DEPARTMENT:** RECREATION

### **GENERAL CHARACTERISTICS OF THE CLASS:**

Under the supervision of the Recreation Director, performs a variety of unskilled and semi-skilled tasks in the maintenance operations in parks and recreation buildings, grounds and open spaces. This is a non-exempt position.

### **EXAMPLES OF ESSENTIAL FUNCTIONS:**

The list of essential functions, as outlined herein, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of anyone position in the class. The omission of an essential function does not preclude management from assigning duties not listed herein if such functions are a logical assignment to the Grounds Maintenance Worker II position.

- Mows, edges, weeds, maintains ball field and open spaces
- Drags ball field; lines fields for games
- Sweeps, washes, paints, cleans bathrooms, and repairs any damage at the park
- Performs routine maintenance on lawn and power equipment
- Routinely completes daily work assignments
- Plants and maintains lawns, trees, shrubs, and flowers
- Maintains and adjusts specialized turf care equipment and tools
- Collects and disposes of solid waste from building and grounds; picks up litter from premises prepares facilities for park and recreation program use
- Installs and maintains goal posts and nets for sports facilities, including soccer, football, and basketball
- Keeps records of work completed
- Performs any other duties as required



## **REQUIREMENTS:**

### **A. Education and Experience:**

High school diploma or equivalent plus a minimum one (1) year of documented experience in park maintenance or landscape maintenance required. Valid Florida driver's license required.

### **B. Knowledge, Skills and Abilities:**

- Knowledge of repair and maintenance work
- Knowledge of equipment, materials and supplies in building and grounds maintenance such as mops, brooms, hand tools, lawn and landscaping equipment, edgers, and chain saws.
- Knowledge of first aid and applicable safety precautions
- Knowledge of horticulture and landscaping
- Ability to work independently and to complete daily activities according to work schedule
- Ability to use equipment and tools properly and safely
- Ability to understand, follow and transmit written and oral instructions
- Ability to establish effective working relationships with employees, supervisors, and the public

## **PHYSICAL REQUIREMENTS:**

Task involves the frequent use of coordinated and manipulative skills in performing a variety of tasks with the full range of hand and power tools and shop equipment; or the skilled and complex operation of heavy equipment calling for adherence to exacting standards of depth, grade, dimensions and contours. The employee must have the ability to lift heavy object, walk and stand for long periods of time, and to perform strenuous physical labor under adverse field conditions.

## **ENVIRONMENTAL REQUIREMENTS:**

Tasks performed without exposure to adverse environmental conditions (dir. cold, rain, fumes).

It is the policy of the Town of Lake Park to prohibit discrimination on the basis of race, color, religion, gender, national origin, age, political affiliation, physical or mental disability (where the disabled persons are able to perform the work they are seeking with reasonable accommodation), marital status, familial status, or sexual orientation, or any other form of unlawful discrimination, except when such condition is a bona fide occupational qualification. Such employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, promotion, demotion, discipline or dismissal of employees.

# TAB 4

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 4

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> <b>RESOLUTION</b><br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|--|---|

**SUBJECT:** FY 2007-2008 Law Enforcement Services

**RECOMMENDED MOTION/ACTION:** Authorize the Mayor to sign a third addendum to the October 1, 2005 Agreement between the Palm Beach County Sheriff's Office and the Town of Lake Park for Law Enforcement Services that extends the contract through FY 2007-2008

**Approved by Town Manager**

*[Signature]*

**Date:** 9/20/2007

Virginia Martin, Grants Writer  
 Name/Title

9/20/2007  
 Date of Actual Submittal

<b>Originating Department:</b>  Administration	Costs: \$ 2,609,747.90  Funding Source: General Fund  Acct. # 001-52-521-200-34010	<b>Attachments:</b> <b>Addendum</b> <b>Resolution</b>
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>G.M.</u> or Not applicable in this case _____ Please initial one.

**Summary Explanation/Background:**

This is the second extension of the Agreement for Law Enforcement Services between the Palm Beach County Sheriff's Office and the Town of Lake Park which originally became effective on October 1, 2005. This Addendum will extend the services for Law Enforcement Services until September 30, 2008.

**RESOLUTION NO. 76-09-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE THE THIRD ADDENDUM TO THE LAW ENFORCEMENT SERVICES AGREEMENT BETWEEN THE TOWN OF LAKE PARK, FLORIDA AND THE PALM BEACH COUNTY SHERIFF'S OFFICE; AND PROVIDING AN EFFECTIVE DATE AND CONSIDERATION.**

**WHEREAS**, the Town of Lake Park (Town) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, effective October 1, 2005 the Town and Ric L. Bradshaw, Sheriff of Palm Beach County (hereinafter referred to as the Palm Beach County Sheriff's Office and "PBSO") entered into a Law Enforcement Services Agreement which was amended effective June 1, 2006 (together known as the "Agreement") whereby PBSO agreed to provide specified law enforcement services in exchange for monetary and other good and valuable consideration paid by the Town as provided in Exhibit "A" to the Agreement, for the benefit of the residents of the Town; and

**WHEREAS**, the Town Commission has determined that it is in the best interest of the Town to amend the Agreement by adding a **Third Addendum** to the Agreement. The Addendum shall be effective October 1, 2007, and all other terms and conditions of the Agreement will continue unchanged and in full force and effect.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**SECTION 1.** The "whereas" clauses are hereby incorporated as true and correct as the findings of fact and conclusions of law of the Town Commission.

**SECTION 2.** The Mayor is hereby authorized and directed to execute the **Third Addendum** to the Agreement between the Palm Beach County Sheriff's Office and the Town of Lake Park ("Amendment") to be effective October 1, 2007, and which is attached hereto as **Exhibit "A."**

**SECTION 3.** This Resolution shall take effect immediately upon its adoption.

**THIRD ADDENDUM TO THE AGREEMENT FOR LAW ENFORCEMENT SERVICES  
BETWEEN THE PALM BEACH COUNTY SHERIFF'S OFFICE  
AND THE TOWN OF LAKE PARK**

This Third Addendum to the Agreement for Law Enforcement Services is made by and between the TOWN OF LAKE PARK (hereinafter referred to as "Town"), and Ric L. Bradshaw, Sheriff of Palm Beach County, Florida (hereinafter referred to as "Sheriff"). The City and the Sheriff shall hereinafter be referred to as the "Parties."

**WHEREAS**, the Parties entered into an Agreement for Law Enforcement Services which became effective as of October 1, 2005, and a First Addendum effective June 1, 2006 (the "Agreement") by which the SHERIFF agreed to perform law enforcement services for the TOWN; and

**WHEREAS**, the Parties wish to renew said Agreement for an additional twelve (12) months, effective October 01, 2007.

**NOW, THEREFORE**, in consideration of the mutual covenants herein contained the receipt and sufficiency of which are hereby acknowledged, it is agreed upon as follows:

1. In accordance with Article 12. of the Law Enforcement Service Agreement, the Parties have agreed to renew the Agreement for an additional twelve (12) month term. The term of this renewal is October 1, 2007 through September 30, 2008.
2. Article 6.1 of the Law Enforcement Service Agreement is amended as to the cost as follows: The total cost of personnel and equipment shall be \$2,609,747.90. Monthly payments shall be \$217,478.99. The last monthly payment shall be \$217,479.01.
3. In all other respects, the terms and conditions of the Agreement shall continue unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the Parties hereto have executed the Addendum to the Agreement as of the last date all signatures below are affixed.

**PALM BEACH COUNTY SHERIFF'S OFFICE      TOWN OF LAKE PARK**

BY: \_\_\_\_\_  
Ric L. Bradshaw, Sheriff

BY: \_\_\_\_\_  
Paul W. Castro, Mayor

Witness: \_\_\_\_\_  
Michael Veccia, Major

Witness: \_\_\_\_\_  
Vivian Mendez, Town Clerk

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

# TAB 5

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 5

- |   |   |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|---|---|

**SUBJECT:** Installation of the final 26 Baffle Inserts for the N. Breakwater at the Marina

**RECOMMENDED MOTION/ACTION:** Approve

Approved by Town Manager Mr. Davis Date: 9/20/07

Name/Title	Date of Actual Submittal	
<b>Originating Department:</b>  Town Manager	<b>Costs: \$ \$19,800</b>  <b>Funding Source: Marina Restricted Reserves FY 07/08</b>  Acct. #	<b>Attachments:</b>  Proposal
<b>Department Review:</b> <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">             Yes I have notified everyone _____              or              Not applicable in this case _____:           </div> <div style="width: 45%; text-align: right;">             Please initial one.           </div> </div>	

**Summary Explanation/Background:** The engineers determined that in order to reduce the amount of wave action within the marina basin, it was necessary to install wave attenuators and baffle inserts in the north breakwater. The low bidder for the work was Vance Construction. They





7166 Interpace Road  
Riviera Beach FL 33407  
561/671-1991 (O)

Post Office Box 4592  
West Palm Beach FL 33402  
561/671-1981 (F)

### PROPOSAL - CONTRACT CHANGE ORDER #1

PROPOSAL SUBMITTED TO <b>CUTCHER &amp; ASSOCIATES, INC.</b>	PHONE <b>561-748-6745</b>	DATE <b>7/31/07</b>
	EMAIL <b>depth@qgate.net</b>	
	FAX <b>561-748-6865</b>	
STREET <b>900 E. Indiantown Road - Suite 210</b>	JOB NAME <b>Lake Park Marina</b>	
CITY, STATE, ZIP CODE <b>Jupiter FL 33477</b>	JOB LOCATION <b>Lake Park, Florida</b>	

The Vance Construction Co. hereby proposes the following:

I Furnish And Install Additional Twenty-Six (26) Baffle Inserts for: **\$19,800.00**

TOTAL: **\$19,800.00**

Complete, as described above, for the Lump Sum Total of: **\$19,800.00**

\*\*\*Nineteen Thousand Eight Hundred And No/100 Dollars\*\*\*

THE VANCE CONSTRUCTION CO.

ACCEPTED BY:

BY:

SIGNATURE

(FIRM NAME)

James E. Vance, Jr., President

By:

Title:

Date:

NOTE: This proposal be withdrawn by us  
if not accepted within \_\_\_\_\_ days

#### ACCEPTANCE OF PROPOSAL

The above prices and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. The above quotation is subject to all terms and conditions of both sides herof, and becomes a contract when acceptance is signed by an authorized agent of each party. Payment will be made as outlined in the Terms and Conditions of Contract on the reverse side of this proposal.

# TAB 6

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 6

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> <b>RESOLUTION</b><br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|--|---|

**SUBJECT:** Interlocal Agreement for funding construction of Lake Shore Park Playground

**RECOMMENDED MOTION/ACTION:** Authorize the Mayor execute an agreement between Palm Beach County and the Town of Lake Park.

**Approved by Town Manager**

*Al. Davis*

**Date:**

*9/20/07*

Virginia Martin/Grants Writer  
Name/Title

September 19, 2007  
Date of Actual Submittal

<b>Originating Department:</b> Grants	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b> Interlocal Agreement Resolution
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <u>GM</u> _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>GM</u> _____:  Please initial one.

**Summary Explanation/Background:**

This agreement provides \$142,170 in funding recommended by Commissioner Addie Greene from the 1999 and 2002 Recreation and Cultural Facilities Bond Funding for the construction of Lake Shore Park Playground.

**RESOLUTION NO. 77-09-07**

**A RESOLUTION OF THE TOWN COMMISSION OF  
THE TOWN OF LAKE PARK, FLORIDA  
AUTHORIZING AND DIRECTING THE MAYOR TO  
EXECUTE AN INTERLOCAL AGREEMENT  
BETWEEN PALM BEACH COUNTY AND THE  
TOWN OF LAKE PARK TO PROVIDE FUNDING  
FOR THE CONSTRUCTION OF LAKE SHORE  
PARK PLAYGROUND.**

**WHEREAS**, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town desires to provide the citizens and children of Lake Park and visitors with appropriate venues for recreational activities; and

**WHEREAS**, the Town lacks the available financial resources to independently carry out a recreational development project at this time; and

**WHEREAS**, Palm Beach County, District 7 Commissioner Addie Greene has recommended the Lake Shore Park Playground Project for funding through the 1999 and 2002 Recreation and Cultural Facilities Bond Funding program.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Commission of the Town of Lake Park, Florida:

**SECTION 1.** The Town Commission has determined that it is in the best interests of the citizens of the Town to enter into this Interlocal Agreement to provide funding for the construction of the Lakeshore Park Playground in an amount not to exceed \$142,170.

**SECTION 3.**

The Mayor is hereby authorized and directed to sign the Interlocal Agreement with Palm Beach County to obtain the 1999 and 2002 Recreation and Cultural Facilities Bond Funding.

**SECTION 4.**

This Resolution shall take effect immediately upon its adoption.



**RECEIVED**

SEP 10 2007

*Town Of Lake Park  
Office Of Town Manager*

**Department of  
Parks and Recreation**

2700 6th Avenue South  
Lake Worth, FL 33461  
(561) 966-6600  
Fax: (561) 642-2640  
www.pbcparcs.com

**Palm Beach County  
Board of County  
Commissioners**

Addie L. Greene, Chairperson

J. Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aaronson

Jess R. Santamaria

**County Administrator**

Robert Weisman

September 4, 2007

Ms. Maria Davis, Town Manager  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33404

RE: 1999 and 2002 Recreation and Cultural Facilities Bond Funding for  
Lakeshore Park Playground Construction

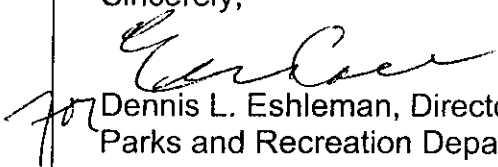
Dear Ms. Davis:

Attached are two originals of an Interlocal Agreement for funding in an amount not-to-exceed \$142,170 for construction of the Lakeshore Park Playground.

Please provide a revised insurance certificate when you return the Agreements, as the current policy terminates on October 1, 2007 and the Agreement will not be placed on the agenda for approval by the Board of County Commissioners until after that date. You should have your Risk Manager review the certificate to make sure that it complies with the requirements listed in Article 12 of the Agreement.

Contact Susan Yinger, Administrative Support Manager at 966-6653 if you have any questions on the Agreement. On behalf of Commissioner Addie L. Greene and the Board of County Commissioners, we look forward to providing assistance to the Town of Lake Park for this community facility.

Sincerely,

  
Dennis L. Eshleman, Director  
Parks and Recreation Department

DLE/SWY

Attachment: Two originals of Bond Agreement for Execution

Copy to: Commissioner Addie L. Greene, District 7

*"An Equal Opportunity  
Affirmative Action Employer"*

**INTERLOCAL AGREEMENT BETWEEN PALM BEACH COUNTY  
AND THE TOWN OF LAKE PARK FOR FUNDING OF THE LAKE SHORE PARK  
PLAYGROUND**

**THIS INTERLOCAL AGREEMENT** is made and entered into on \_\_\_\_\_, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the Town of Lake Park, a Florida municipal corporation, hereinafter referred to as MUNICIPALITY".

**W I T N E S S E T H:**

**WHEREAS**, MUNICIPALITY owns the Lake Shore Park property located on Lake Shore Drive; and

**WHEREAS**, MUNICIPALITY desires to construct a playground, hereinafter referred to as "the Project" at said location; and

**WHEREAS**, MUNICIPALITY has asked COUNTY to financially participate in the construction of said project; and

**WHEREAS**, on November 5, 2002, a bond referendum was passed by the voters of Palm Beach County for the issuance of general obligation bonds for the purpose of financing the acquisition, construction, and/or improvements to certain recreation and cultural facilities, in the principal amount of \$50 Million ("the \$50 Million Recreation and Cultural Facilities Bond"); and

**WHEREAS**, the COUNTY has approved a recreation and cultural facilities project list and proposed funding allocations, as amended, for the \$50 Million Recreation and Cultural Facilities Bond; and

**WHEREAS**, the Project represents one such recreation/cultural project; and

**WHEREAS**, MUNICIPALITY desires to operate and maintain the Project upon its completion; and

**WHEREAS**, the Project shall be open to and benefit all residents of Palm Beach County; and

**WHEREAS**, Section 163.01, Florida Statutes, permits public agencies to enter into Interlocal Agreements with each other to jointly exercise any power, privilege, or authority which such agencies share in common and which each might exercise separately; and

**WHEREAS**, both parties desire to increase the recreational and cultural opportunities for residents of Palm Beach County and to enter into this Interlocal

Agreement.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

## **ARTICLE 1: GENERAL**

Section 1.01 The foregoing recitals are true and correct and are incorporated herein as if fully set forth.

Section 1.02 The purpose of this Interlocal Agreement is to enhance recreational and cultural opportunities for use by the public and thereby provide a mechanism for the COUNTY to assist MUNICIPALITY in the funding of the Project.

Section 1.03 COUNTY will pay to MUNICIPALITY a total amount not to exceed \$142,170 for the construction of the Project as more fully described in the Project Description, Conceptual Site Plan, and Cost Estimate attached hereto and made a part hereof as Exhibit "A". MUNICIPALITY recognizes that the County's funding of the Project is being paid from the proceeds of tax-exempt bonds issued by the County and County capital project funding. MUNICIPALITY agrees to provide the County with a certification, in a form acceptable to the County, from MUNICIPALITY's chief financial officer or independent accountant that each cost item for which County funding is requested under Article 3 of this Agreement constitutes a capital expenditure. In that regard, an item is considered a capital expenditure where the item has a useful life and benefit beyond one year or extends the Project's use beyond one year.

Section 1.04 MUNICIPALITY agrees to provide funding in an amount of \$0 or greater to complete the Project. The parties agree that the COUNTY shall provide its portion of the funding only after MUNICIPALITY has expended \$0.

Section 1.05 COUNTY's representative during the design and construction of the Project shall be the Director of Parks and Recreation, Palm Beach County Parks and Recreation Department, telephone no. (561) 966-6685. MUNICIPALITY's representative during the design and construction of the Project shall be Maria Davis, Town Manager, Town of Lake Park, 561-881-3314.

Section 1.06 MUNICIPALITY shall design and construct the Project upon property owned by MUNICIPALITY as more fully described in Exhibit "B" attached hereto and made a part hereof.

Section 1.07 MUNICIPALITY shall utilize its procurement process for all design and construction services required for the Project. Said procurement process shall be consistent with all federal, state and local laws, rules and regulations. COUNTY shall have no contractual obligation to any person retained by MUNICIPALITY with regard to the Project. Any dispute, claim, or liability that may arise as a result of MUNICIPALITY's



procurement is solely the responsibility of MUNICIPALITY and MUNICIPALITY hereby holds the COUNTY harmless for same to the extent permitted by law and subject to the limitations of Section 768.28, Florida Statutes.

## **ARTICLE 2: DESIGN AND CONSTRUCTION**

Section 2.01 MUNICIPALITY shall be responsible for the design and construction of the Project. MUNICIPALITY shall design and construct the Project in accordance with Exhibit "A", attached hereto and made a part hereof, and with all applicable federal, state and local laws, rules and regulations.

Section 2.02 Prior to or upon execution of this Interlocal Agreement by the parties hereto, MUNICIPALITY shall initiate its procurement process to select the necessary professional engineer and/or architect to perform all engineering and/or architectural design work, including, but not limited to, the preparation of plans, permits and specifications necessary for the design and construction of the Project.

Section 2.03 MUNICIPALITY shall provide a copy of the engineer's and/or architect's programming phase documents (i.e., site plan, floor plan, elevations, etc.) to the COUNTY's Representative for review. The COUNTY's Representative shall review said programming phase documents to ensure consistency with the intent of this Interlocal Agreement.

Section 2.04 MUNICIPALITY shall be responsible for securing all permits and approvals necessary to construct the Project.

Section 2.05 Prior to MUNICIPALITY commencing construction of the Project, MUNICIPALITY shall provide a copy of all plans and specifications, along with the associated costs thereof, to the COUNTY's Representative for review to ensure consistency with the intent of this Interlocal Agreement.

Section 2.06 MUNICIPALITY agrees to totally complete the Project and open same to the public for its intended use within twenty four (24) months from the date of execution of this Interlocal Agreement by the parties hereto. Upon notification to the COUNTY at least ninety (90) days prior to that date, MUNICIPALITY may request an extension beyond this period for the purpose of completing the Project. COUNTY shall not unreasonably deny MUNICIPALITY's request for said extension.

Section 2.07 MUNICIPALITY shall submit quarterly project status reports to the COUNTY's Representative on or before January 10, April 10, July 10, and October 10 during the design and construction of the Project. These Quarterly reports shall include but not be limited to, a summary of the work accomplished, problems encountered, percentage of completion, and other information as deemed appropriate by the COUNTY's Representative.

### **ARTICLE 3: FUNDING**

Section 3.01 The total not to exceed amount as set forth in Section 1.03 hereinabove shall be paid by COUNTY to MUNICIPALITY on a reimbursable basis. Any costs incurred in connection with the Project in excess of that amount shall be the sole responsibility of MUNICIPALITY. Should the total cost of the Project exceed the amount as projected by MUNICIPALITY, MUNICIPALITY shall appropriate and expend the excess funds required for completion of the Project. The COUNTY shall not disburse any funds to MUNICIPALITY for the Project until MUNICIPALITY has appropriated and expended said excess funds for the Project.

Section 3.02 The COUNTY shall reimburse project costs under the terms of this Agreement to MUNICIPALITY on a quarterly basis from the date of execution of this Interlocal Agreement; however, should the need arise for MUNICIPALITY to be reimbursed on a more frequent basis, then COUNTY will, at MUNICIPALITY's specific request for each instance, make its best efforts to reimburse MUNICIPALITY within forty five (45) days of such special request. For each requested payment, MUNICIPALITY shall provide to the COUNTY's Representative a fully completed and executed Contract Payment Request Form and a Contractual Services Purchase Schedule Form, attached hereto and made a part hereof as Exhibit "C". Said forms shall include information listing each invoice as paid by the MUNICIPALITY and shall include the vendor invoice number; invoice date; and the amount paid by MUNICIPALITY along with the number and date of the respective check or proof of payment for said payment. MUNICIPALITY shall attach a copy of each vendor invoice paid by MUNICIPALITY along with a copy of each respective check or proof of payment and shall make reference thereof to the applicable item listed on the Contractual Services Purchase Schedule Form. Further, MUNICIPALITY's Project Administrator and Project Financial Officer shall certify the total funds spent by MUNICIPALITY on the Project and shall also certify that each vendor invoice as listed on the Contractual Services Purchase Schedule Form was paid by MUNICIPALITY as indicated.

Section 3.03 The COUNTY shall retain not less than ten percent (10%) of the total amount allocated to MUNICIPALITY for the Project until MUNICIPALITY completes the Project and provides COUNTY with either a Certificate of Occupancy or a Project Completion Certification as determined by COUNTY, and the COUNTY receives and approves all documentation as required in accordance with this Interlocal Agreement. The COUNTY's representative shall visit the Project site to verify and approve said final reimbursement.

Section 3.04 MUNICIPALITY shall provide a request for final reimbursement to the COUNTY no later than ninety (90) days following completion of the Project and provision of either a Certificate of Occupancy or Project Completion Certification to the County.

Section 3.05 The County agrees to reimburse MUNICIPALITY an amount not to exceed \$142,170 for those approved pre-agreement costs accruing to the Project subsequent to April 16, 2007, as more fully described in Exhibit "D", Pre-Agreement Cost List.

Section 3.06 County shall reimburse Project costs only after MUNICIPALITY has expended its share of Project funding in its entirety. MUNICIPALITY shall provide the County with a certification, in a form acceptable to the County, from the Municipality's Finance Director that the MUNICIPALITY has complied with this Project funding provision. The County will be entitled to rely on that certification in reimbursing Project costs to the MUNICIPALITY under this Agreement.

#### **ARTICLE 4: OWNERSHIP, OPERATION AND MAINTENANCE OF THE PROJECT**

Section 4.01 Upon completion, the Project shall remain the leased property of the MUNICIPALITY. The COUNTY shall not be required to pay MUNICIPALITY any additional funds for any other capital improvement required by or of MUNICIPALITY.

Section 4.02 MUNICIPALITY hereby warrants and represents that it has full legal authority and financial ability to operate and maintain said Project. MUNICIPALITY shall be responsible for all costs, expenses, fees and charges, and liability related to the operation and maintenance of the Project.

Section 4.03 MUNICIPALITY shall operate and maintain the Project for its intended use by the general public for thirty (30) years, commencing upon the date of execution of this Interlocal Agreement by the parties hereto. MUNICIPALITY shall maintain the Project in accordance with industry standards for such facilities to prevent undue deterioration and to encourage public use.

Section 4.04 The rights and duties arising under this Interlocal Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. MUNICIPALITY may not assign this Interlocal Agreement or any interest hereunder without the express prior written consent of the COUNTY.

Section 4.05 It is the intent of COUNTY to issue this funding assistance to MUNICIPALITY for the purpose set forth hereinabove. In the event MUNICIPALITY transfers ownership of the Project to a party or parties not now a part of this Interlocal Agreement, other than another governmental entity that agrees to assume, in writing, MUNICIPALITY's obligations hereunder, COUNTY retains the right to reimbursement from MUNICIPALITY for its participation to the full extent of the funding assistance awarded to accomplish the Project. Should MUNICIPALITY transfer management of the project to a party or parties not now a part of this Interlocal Agreement, MUNICIPALITY shall continue To be responsible for the liabilities and obligations as set forth herein. Further, MUNICIPALITY shall not transfer management of the Project to a third party without the written consent of the COUNTY.

## **ARTICLE 5: USE OF THE PROJECT**

Section 5.01 MUNICIPALITY warrants that the Project shall serve a public recreational or cultural purpose and be open to and benefit all residents of Palm Beach County and shall be available thereto on the same cost and availability basis as to residents of MUNICIPALITY. MUNICIPALITY shall not discriminate on the basis of race, color, sex, national origin, age, disability, religion, ancestry, marital status or sexual orientation with respect to use of the Project.

Section 5.02 The term of this Interlocal Agreement shall remain in effect for thirty (30) years, commencing upon the date of execution of this Interlocal Agreement by the parties hereto. MUNICIPALITY shall restrict its use of the Project to recreational, cultural, civic, community and social purposes only unless otherwise agreed to in writing by the parties hereto.

Section 5.03 MUNICIPALITY shall affix a permanent plaque or marker in a prominent location at the completed Project indicating that the COUNTY was a contributor to the development of the Project. Said plaque or marker shall include the County seal and a list of County Commissioners, unless otherwise directed by the COUNTY's Representative.

## **ARTICLE 6: ACCESS AND AUDITS**

MUNICIPALITY shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the design and construction of the Project for at least five (5) years after the end of the fiscal year in which the final payment is released by the COUNTY, except that such records shall be retained by MUNICIPALITY until final resolution of matters resulting from any litigation, claim, or special audit that starts prior to the expiration of the five (5) year period. The COUNTY reserves the right, upon reasonable request and during normal business hours, to inspect said Project and shall have access to such books, records, and documents as required in this section for the purpose of inspection or audit.

## **ARTICLE 7: NOTICES**

Any notice given pursuant to the terms of this Interlocal Agreement shall be in writing and hand delivered or sent by Certified Mail, Return Receipt Requested. All notices shall be addressed to the following:

As to the COUNTY:

Director of Parks and Recreation  
Palm Beach County Parks and Recreation Department  
2700 Sixth Avenue South  
Lake Worth, FL 33461

With a copy to:

County Attorney  
301 North Olive Avenue, Suite 601  
West Palm Beach, FL 33401

As to the MUNICIPALITY:

Town Manager  
Town of Lake Park  
535 Park Avenue  
Lake Park, Florida 33403

#### **ARTICLE 8: TERMINATION FOR NON-COMPLIANCE**

The COUNTY may terminate this Interlocal Agreement upon written notice to MUNICIPALITY for non-compliance by MUNICIPALITY in the performance of any of the terms and conditions as set forth herein and where MUNICIPALITY does not cure said non-compliance within ninety (90) days of receipt of written notice from the COUNTY to do so. Further, if MUNICIPALITY does not cure said non-compliance within the time frame specified above, then upon written notice, the COUNTY may require MUNICIPALITY to reimburse any funds provided to MUNICIPALITY pursuant to this Interlocal Agreement either in whole or in part once the COUNTY has reasonably determined that no other remedy is available.

#### **ARTICLE 9: REMEDIES**

This Interlocal Agreement shall be governed by the laws of the State of Florida. Any and all legal action necessary to enforce the Interlocal Agreement will be held in Palm Beach County. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof. The parties hereto may pursue any and all actions available under law to enforce this Interlocal Agreement including, but not limited to, actions arising from the breach of any provision set forth herein.

#### **ARTICLE 10: FILING**

A copy of this Interlocal Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County.

#### **ARTICLE 11: INDEMNIFICATION**

It is understood and agreed that MUNICIPALITY is merely a recipient of County funding and is an independent contractor and is not an agent, servant or employee of County or its Board of County Commissioners. It is further acknowledged that the County only

contributes funding under this Agreement and operates no control over the Project. In the event a claim or lawsuit is brought against County or any of its officers, agents or employees, MUNICIPALITY shall indemnify, save and hold harmless and defend the County, its officers, agents, and/or employees from and against any and all claims, liabilities, losses, judgements, and/or causes of action of any type arising out of or relating to any intentional or negligent act or omission of MUNICIPALITY, its agents, servants and/or employees in the performance of this Agreement. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Section 768.28, Florida Statutes, nor shall the same be construed to constitute agreement to indemnify the County for the County's negligent acts or omissions.

In consideration for reimbursement of costs incurred prior to the term of this Agreement, the foregoing indemnification shall apply not only during the term of this Agreement but also apply for the period prior to the Agreement for which MUNICIPALITY is eligible to receive reimbursement from the County.

## **ARTICLE 12: INSURANCE**

Without waiving the right to sovereign immunity as provided by Section 768.28, Florida Statutes, the MUNICIPALITY acknowledges to be either insured or self-insured for General Liability and Automobile Liability under Florida sovereign immunity statutes with coverage limits of \$100,000 Per Person and \$200,000 Per Occurrence; or such monetary waiver limits that may change and be set forth by the legislature.

The MUNICIPALITY agrees to maintain or to be self-insured for Workers' Compensation and Employer's Liability insurance in accordance with Florida Statutes Chapter 440.

The MUNICIPALITY agrees to maintain or acknowledges to be self-insured for All-Risk property insurance for the completed project for adequate limits based on the MUNICIPALITY'S replacement cost or probable maximum loss estimates for the perils of either fire, wind, or flood. MUNICIPALITY shall agree to be fully responsible for any deductible or self-insured retention.

The MUNICIPALITY shall agree to provide a statement or Certificate of Insurance evidencing insurance, self-insurance, and/or sovereign immunity status, which COUNTY agrees to recognize as acceptable for the above mentioned coverages.

Compliance with the foregoing requirements shall not relieve MUNICIPALITY of its liability and obligations under this Interlocal Agreement.

The MUNICIPALITY shall require each Contractor engaged by MUNICIPALITY for work associated with this Agreement to maintain:

1. Workers' Compensation coverage in accordance with Florida Statutes including endorsements for U.S. Longshore and Harbor Workers Compensation Act and the Merchant Marine Act (Jones Act) in the event any portion of the scope of services/work occurs over, near, or contiguous to any navigable bodies of water.

2. Commercial General Liability coverage at limits of not less than \$1,000,000 Each Occurrence, which would include builder=s risk insurance while the project is in the course of construction in an amount at least equal to the estimated completed project value as well as subsequent modifications of that sum. The COUNTY shall be added an "Additional Insured".
3. Business Auto Insurance with limits of not less than \$1,000,000 Each Accident.
4. If the construction work being performed exceeds \$200,000, a payment and performance bond for the total amount of their construction contract, in accordance with Florida Statute 255.05.

#### **ARTICLE 13: PUBLIC ENTITY CRIMES**

As provided in Section 287.132-133, Florida Statutes, by entering into this contract or performing any work in furtherance hereof, MUNICIPALITY certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the 36 months immediately preceding the date hereof. This notice is required by Section 287.133 (3) (a), Florida Statutes.

#### **ARTICLE 14: CAPTIONS**

The captions and section designations herein set forth are for convenience only and shall have no substantive meaning.

#### **ARTICLE 15: SEVERABILITY**

If any term or provision of this Interlocal Agreement, or the application thereof to any person or circumstance, shall to any extent be held invalid or unenforceable, the remainder of this Interlocal Agreement, or the application of such term or provision, to any person or circumstance other than those as to which it is held invalid or unenforceable, shall not be affected, and every other term and provision of this Interlocal Agreement shall be deemed valid and enforceable to the extent permitted by law.

#### **ARTICLE 16: ENTIRETY OF AGREEMENT**

This Interlocal Agreement represents the entire understanding between the COUNTY and MUNICIPALITY, and supersedes all other negotiations, representations or agreements, either written or oral, relating to this Interlocal Agreement. None of the provisions, terms and conditions contained in this Interlocal Agreement may be added to, modified, superseded or otherwise altered, except by written instrument executed by the parties hereto.

## ARTICLE 17: THIRD PARTY BENEFICIARIES

This Agreement is made solely and specifically among and for the benefit of the parties hereto, and their respective successors and assigns subject to the express provisions hereof relating to successors and assigns, and no other person shall have any rights, interest, or claims hereunder or be entitled to any benefits under or on account of this Agreement as a third-party beneficiary or otherwise.

**IN WITNESS WHEREOF**, the parties have caused this Interlocal Agreement to be executed on the day and year first above written.

**ATTEST:**  
**SHARON R. BOCK, Clerk and**  
**Comptroller**

By: \_\_\_\_\_  
Deputy Clerk

**PALM BEACH COUNTY, FLORIDA BY ITS**  
**BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Commissioner Addie L. Greene, Chairperson

**ATTEST:**

By: \_\_\_\_\_  
Town Clerk

**TOWN OF LAKE PARK**

By: \_\_\_\_\_  
Mayor

**APPROVED AS TO TERMS AND**  
**CONDITIONS:**

By: \_\_\_\_\_  
Dennis L. Eshleman, Director  
Parks and Recreation Department

**APPROVED AS TO FORM AND**  
**LEGAL SUFFICIENCY:**

By: \_\_\_\_\_  
Municipality Attorney

**APPROVED AS TO FORM AND**  
**LEGAL SUFFICIENCY:**

By: \_\_\_\_\_  
County Attorney



## **LIST OF EXHIBITS**

- |           |   |
|-----------|---|
| EXHIBIT A | Project Description, Conceptual Site Plan, and Cost Estimate  |
| EXHIBIT B | Legal Description of Property   |
| EXHIBIT C | Contract Payment Request Form (Page 1 of 2) and<br>Contractual Services Purchase Schedule Form) (Page 2 of 2) |
| EXHIBIT D | Pre-Agreement Expense Cost Estimate   |

EXHIBIT A

PROJECT DESCRIPTION, CONCEPTUAL  
SITE PLAN, AND COST ESTIMATE

## Project Description

The Lake Shore Park playground consists of a total face lift for the Park, and substantial upgrade to the infrastructure that supports public use of this overlooked community asset. Site Plan attached.

- Heart trail and exercise equipment
- Picnic shelters
- Park benches
- Trash receptacles
- Children's playground equipment and ADA **compliant** mulch
- Bike Rack
- Lighting
- Signage

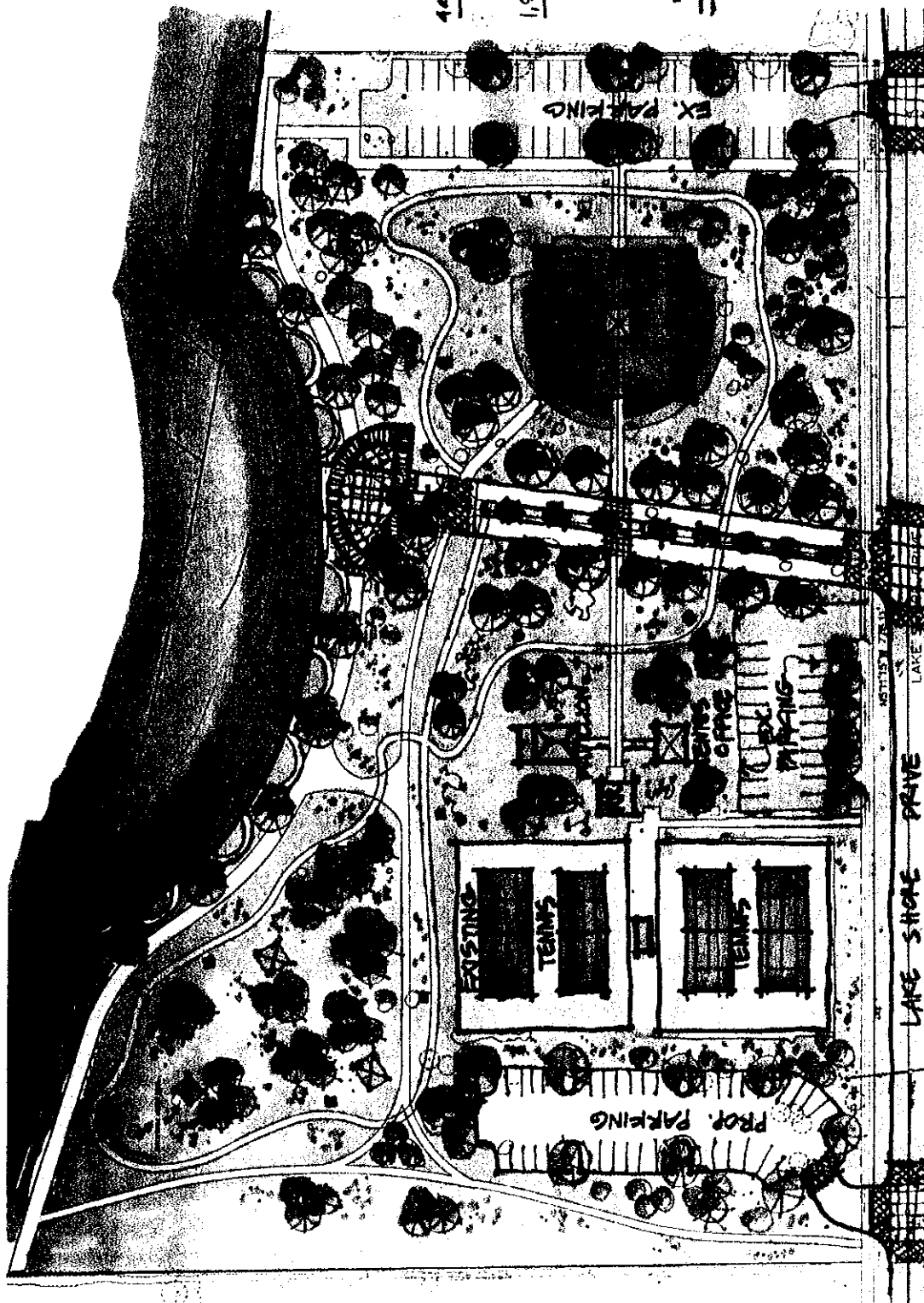
Total Estimated Project Cost \$142,170.00

## Cost Estimate

<b>Description</b>	<b>Cost</b>
Playground Equipment	\$ 47,745.82
Toddler swings with Canopy	12,922.83
ADA compliant mulch for playgrounds	12,257.60
Trail Wood Fiber Mulch (ADA Compliant)	3,833.50
Exercise Trail Equipment	10,979.41
Benches	7,950.00
Picnic Tables	2,484.00
ADA Compliant Picnic Tables	728.00
Trash Receptacles	4,896.00
Bike Racks	5,313.35
Shelters	12,391.37
Whirwind set	1,189.35
Signage	2,137.27
Lighting	17,341.50
<b>Total</b>	<b>\$142,170.00</b>

## Timeline

The first invoice for the project was issued on 4/16/2007. It is anticipated that the Lake Shore Park project will be completed by October 1, 2007.



$$\frac{440 \times 43,560 \times 8''}{27} \times 12 = 52,000$$

$$\frac{1,900 \text{ in}^4 \times 8''}{27} = 45 \text{ cpyd}$$

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

# Legal Description

REVISED: 08-29-07

## SKETCH AND DESCRIPTION (NOT A SURVEY)

NOT VALID WITHOUT  
ACCOMPANYING  
SHEET 2, AND 3 OF 3  
\*THIS IS NOT A SURVEY\*

DESCRIPTION (TRUSTEES OF THE INTERNAL IMPROVEMENT FUND DEED NO. 22667 (766-50))

A TRACT OF LAND IN SECTION 21, TOWNSHIP 42 SOUTH, RANGE 43 EAST, TOWN OF LAKE PARK, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE AS SAID RIGHT-OF-WAY IS SHOWN ON PLAT OF KELSEY CITY (NOW LAKE PARK) ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, RECORDED IN PLAT BOOK 8, PAGE 23, WITH THE EASTERLY PROJECTION OF THE SOUTH RIGHT-OF-WAY LINE OF AVENUE "F" (FORESTIERA DRIVE) AS SHOWN ON SAID PLAT OF KELSEY CITY; THENCE EAST, ALONG THE SAID EASTERLY PROJECTION OF THE SOUTH LINE OF AVENUE "F" (FORESTIERA DRIVE) A DISTANCE OF 40 FEET TO A POINT IN THE HIGH WATER LINE OF THE WEST SHORE OF LAKE WORTH; THENCE NORTH 1°20'01" WEST, ALONG SAID HIGH WATER LINE, A DISTANCE OF 746.79 FEET, TO A POINT; SAID POINT BEING IN THE EASTERLY PROJECTION OF THE CENTER LINE OF AVENUE "G" (GREENBRIAR DRIVE); THENCE SOUTH 89°00'00" WEST ALONG SAID EASTERLY PROJECTION OF THE CENTER LINE OF AVENUE "G" (GREENBRIAR DRIVE), A DISTANCE OF 30 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE; THENCE SOUTH 0°34'00" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE, A DISTANCE OF 746.11 FEET TO THE POINT OF BEGINNING;

CONTAINING 0.60 ACRES, MORE OR LESS.

### TOGETHER WITH

(TRUSTEES OF THE INTERNAL IMPROVEMENT FUND DEED NO. 22666 (766-50))

A TRACT OF SUBMERGED LAND IN LAKE WORTH, IN SECTION 21, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE, AS SAID RIGHT-OF-WAY IS SHOWN ON PLAT OF KELSEY CITY (NOW LAKE PARK) ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 8, PAGE 23, WITH THE EASTERLY PROJECTION OF THE SOUTH RIGHT-OF-WAY LINE AVENUE F (FORESTIERA DRIVE) AS SHOWN ON SAID EASTERLY PROJECTION OF THE SOUTH RIGHT OF WAY LINE OF AVENUE F (FORESTIERA DRIVE), A DISTANCE OF 40 FEET TO A POINT IN THE HIGH WATER LINE OF THE WEST SHORE OF LAKE WORTH AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 337.52 FEET TO A POINT IN THE TOWN OF LAKE PARK BULKHEAD LINE, ESTABLISHED UNDER ORDINANCE 9-1957, SAID POINT BEING IN THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST, WHOSE RADIUS IS 3600 FEET AND WHOSE CENTRAL ANGLE IS 20°59'26"; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID BULKHEAD LINE, A DISTANCE OF 744.41 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY PROJECTION OF THE CENTER LINE OF AVENUE G (GREENBRIAR DRIVE); THENCE SOUTH 89°00'00" WEST ALONG SAID EASTERLY PROJECTION OF THE CENTER LINE OF AVENUE G (GREENBRIAR DRIVE), A DISTANCE OF 517.18 FEET TO A POINT IN THE AFOREMENTIONED HIGH WATER LINE OF THE WEST SHORE OF LAKE WORTH; THENCE SOUTH 1°20'01" EAST ALONG SAID HIGH WATER LINE, A DISTANCE OF 746.79 FEET, TO THE POINT OF BEGINNING;

CONTAINING 6.97 ACRES, MORE OR LESS.

LESS AND EXCEPT TENNIS COURTS 5 AND 6 CONSTRUCTED AND MAINTAINED IN LAKE SHORE PARK IN THE TOWN OF LAKE PARK, FLORIDA.

CONTAINING 0.33 ACRES, MORE OR LESS.

TOTAL CONTAINING 7.24 ACRES, MORE OR LESS.



**Calvin, Giordano & Associates, Inc.**  
Engineers Surveyors Planners  
560 Village Boulevard, Suite 340  
West Palm Beach, Florida 33409  
Phone 561.854.6181 Fax 561.884.6360  
Certificate of Authorization 6791

## TOWN OF LAKE PARK LAKE SHORE PARK

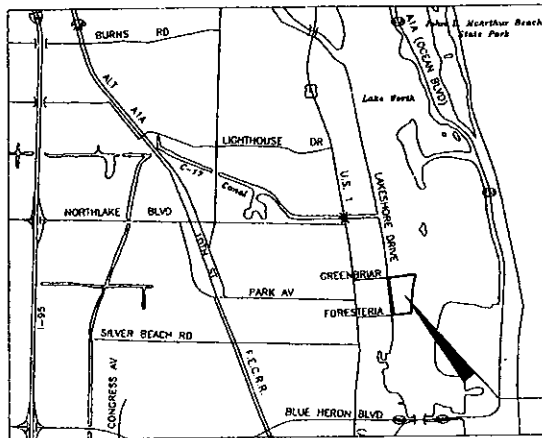
A PORTION OF SBC 21, TWP 42S, R6B 43B

SCALE	PROJECT No	SHEET
N.T.S.	02-2748.72	1
DATE	CAD FILE	
08-24-07	SEE LEFT	or 3

2\2002\022748 Town of Lake Park\022748-2-V-SB-HCL.Ldg 8/28/2007 9:54:43 AM EDT

REVISED: 08-29-07

NOT VALID WITHOUT  
ACCOMPANYING  
SHEET 1, AND 3 OF 3  
\*THIS IS NOT A SURVEY\*



SITE  
LOCATION

LOCATION MAP  
SECTION 21, TOWNSHIP 42 SOUTH, RANGE 43 EAST  
NOT TO SCALE

NOTES:

1. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR AND MAPPER. THIS INSTRUMENT MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT THE CONSENT OF CALVIN, GORDANO AND ASSOCIATES, INC.
2. LANDS DESCRIBED HEREON WERE NOT ABSTRACTED, BY THE SURVEYOR, FOR OWNERSHIP, EASEMENT, RIGHTS-OF-WAY OR OTHER INSTRUMENT THAT MAY APPEAR IN THE PUBLIC RECORDS OF PALM BEACH COUNTY.
3. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 00°34'00" EAST ALONG THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE AS SHOWN KELSEY PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND ALL BEARINGS SHOWN ARE RELATIVE THERETO.
4. THE DESCRIPTION CONTAINED HEREIN AND THE ATTACHED SKETCH DOES NOT REPRESENT A FIELD BOUNDARY SURVEY.

CALVIN, GORDANO & ASSOCIATES, INC.

RONNIE L. FURNISS  
Professional Surveyor and Mapper No. 6272  
State of Florida



**Calvin, Giordano & Associates, Inc.**  
Engineers Surveyors Planners  
660 Village Boulevard, Suite 340  
West Palm Beach, Florida 33409  
Phone: 561.684.8161 Fax: 561.684.8380  
Certificate of Authorization 6791

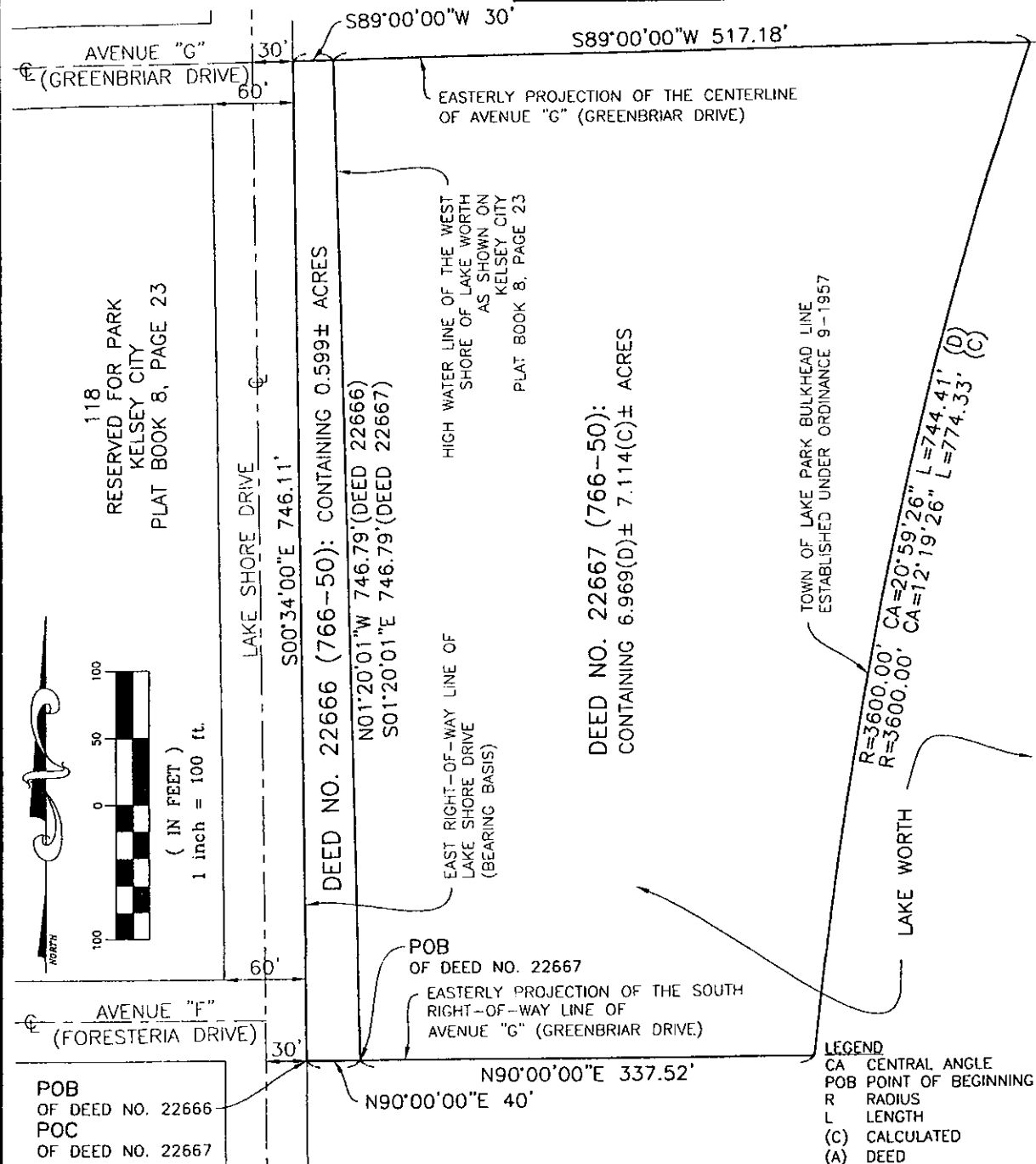
**TOWN OF LAKE PARK**  
**LAKE SHORE PARK**

A PORTION OF SEC 21, TWP 42S, R43E

SCALE	PROJECT No	SHEET
N.T.S.	02-2748.72	2
DATE	CAD FILE	
08-24-07	SEE LEFT	OF 3

REVISED: 08-29-07

NOT VALID WITHOUT  
ACCOMPANYING  
SHEET 1 AND 2 OF 3  
\*THIS IS NOT A SURVEY\*



POB  
OF DEED NO. 22666  
POC  
OF DEED NO. 22667

LEGEND  
CA CENTRAL ANGLE  
POB POINT OF BEGINNING  
R RADIUS  
L LENGTH  
(C) CALCULATED  
(A) DEED

**GA**  
**Calvin, Giordano & Associates, Inc.**  
**Engineers Surveyors Planners**  
560 Village Boulevard, Suite 340  
West Palm Beach, Florida 33409  
Phone: 561.684.6101 Fax: 561.684.6350  
Certificate of Authorization 0791

**TOWN OF LAKE PARK**  
**LAKE SHORE PARK**  
A PORTION OF SBC 21, TWP 42S, R6B 43B

SCALE 1"=100'	PROJECT No 02-2748.72	SHEET 3
DATE 08-24-07	CAD FILE	SEE LEFT OF 3

2:5205-022748 Town of Lake Park\022748-72 Lake Park Shoreline Phase I\Survey\022748-72-V-S-PCL.dwg 8/26/2007 9:44:43 AM CST



EXHIBIT C

CONTRACT PAYMENT REQUEST FORM AND CONTRACTUAL SERVICES  
PURCHASE SCHEDULE FORM



CONTRACT PAYMENT REQUEST

Date

Grantee: \_\_\_\_\_ Project Name: \_\_\_\_\_

Submission #: \_\_\_\_\_ Reimbursement Period: \_\_\_\_\_

Item	Key	Project Costs This Submission	Cumulative Project Costs
Consulting Services	(CS)	_____	_____
Contractual Services	(C)	_____	_____
Materials, Supplies, Direct Purchases	(M)	_____	_____
Equipment, Furniture	(E)	_____	_____
TOTAL PROJECT COSTS		=====	=====

Key Legend

CS = Consulting Services  
C = Contractual Services  
M = Materials, Supplies, Direct Purchases  
E = Equipment, Furniture

Certification: I hereby certify that the above  
expenses were incurred for the work identified as  
being accomplished in the attached progress  
reports.

Certification: I hereby certify that the documentation has  
been maintained as required to support the project  
expenses reported above and is available for audit upon  
request.

Administrator \_\_\_\_\_ Date \_\_\_\_\_

Financial Officer \_\_\_\_\_ Date \_\_\_\_\_

PBC USE ONLY

County Funding Participation \$ \_\_\_\_\_

Total Project Costs To Date: \$ \_\_\_\_\_

County Obligation To Date \$ \_\_\_\_\_

County Retainage ( \_\_\_\_\_ %) \$ \_\_\_\_\_

County Funds Previously Disbursed \$ \_\_\_\_\_

County Funds Due this Billing \$ \_\_\_\_\_

Reviewed and Approved By: \_\_\_\_\_

PBC Project Administrator

Date

Department Director

Date



**Key Legend**  
CS = Consulting Services  
C = Contractual Services  
M = Materials, Supplies, Direct Purchases  
E = Equipment, Furniture

**PALM BEACH COUNTY  
PARKS AND RECREATION DEPARTMENT  
CONTRACTUAL SERVICES PURCHASE SCHEDULE**

**EXHIBIT C**

Grantee: \_\_\_\_\_  
Submittal #: \_\_\_\_\_

Date: \_\_\_\_\_  
Project Name: \_\_\_\_\_  
Reimbursement Period: \_\_\_\_\_

Ln	Payee (Vendor/Contractor)	Key	Check or Voucher		Invoice		Expense Description
			Number	Date	Number	Date	
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
TOTAL \$							

Certification: I hereby certify that the purchases noted above were used in accomplishing this project.

Certification: I hereby certify that bid tabulations, executed contract, cancelled checks, and other purchasing documentation have been maintained as required to support the costs reported above and are available for audit upon request.

Administrator \_\_\_\_\_ Date \_\_\_\_\_

Financial Officer \_\_\_\_\_ Date \_\_\_\_\_



**PALM BEACH COUNTY  
PARKS AND RECREATION DEPARTMENT  
CONTRACTUAL SERVICES PURCHASE SCHEDULE**

**EXHIBIT C**  
**(cont'd.)**

## Key Legend

**Key Legend**  
**CS** = Consulting Services  
**C** = Contractual Services  
**M** = Materials, Supplies, Direct Purchases  
**E** = Equipment

[illegible]

Certification: I hereby certify that the purchases noted above were used in accomplishing this project.

**Certification:** I hereby certify that bid tabulations, executed contract, cancelled checks, and other purchasing documentation have been maintained as required to support the costs reported above and are available for audit upon request.

Administrator

Date \_\_\_\_\_

**Financial Officer**

Date \_\_\_\_\_

**EXHIBIT D**

**PRE-AGREEMENT COST LIST**

# Pre - Agreement Cost Estimate Exhibit D

## Project Description

The Lake Shore Park playground consists of a total face lift for the Park, and substantial upgrade to the infrastructure that supports public use of this overlooked community asset. Site Plan attached.

- Heart trail and exercise equipment
- Picnic shelters
- Park benches
- Trash receptacles
- Children's playground equipment and ADA compliant mulch
- Bike Rack
- Lighting
- Signage

Total Estimated Project Cost \$142,170.00

## Cost Estimate

Description	Cost
Playground Equipment	\$ 47,745.82
Toddler swings with Canopy	12,922.83
ADA compliant mulch for playgrounds	12,257.60
Trail Wood Fiber Mulch (ADA Compliant)	3,833.50
Exercise Trail Equipment	10,979.41
Benches	7,950.00
Picnic Tables	2,484.00
ADA Compliant Picnic Tables	728.00
Trash Receptacles	4,896.00
Bike Racks	5,313.35
Shelters	12,391.37
Whirwind set	1,189.35
Signage	2,137.27
Lighting	17,341.50
<b>Total</b>	<b>\$142,170.00</b>

## Timeline

The first invoice for the project was issued on 4/16/2007. It is anticipated that the Lake Shore Park project will be completed by October 1, 2007.

**FLORIDA MUNICIPAL INSURANCE TRUST  
GENERAL /PROFESSIONAL LIABILITY COVERAGE AGREEMENT  
DECLARATIONS**

**I. DESIGNATED MEMBER**

**Agreement No.:** FMIT #0795

Town of Lake Park  
**Government Description**  
Municipality

**III. COVERAGE PERIOD**

From October 1, 2006 to October 1, 2007 12:01 A.M. Standard Time at the address of the Designated Member.

		Premium Basis	Deductible/Type	Limit	Net Premium
<b>IV. General/Professional Liability</b>					
	Payroll:	2,476,829	\$25,000 DSL	\$2,000,000	\$35,179
<b>1. General Liability</b>					
a. Broad Form Property Damage			\$25,000 DSL	Per Form	Included
b. Extra Contractual Legal Expense			N/A	\$25,000	Included
c. Fire Legal Liability			\$25,000 DSL	\$250,000	Included
d. Medical Attendants'/Medical Directors' Malpractice Liability			\$25,000 DSL	\$2,000,000	Included
<b>2. Errors and Omissions Liability</b>					
a. Supplemental Employment Practices Liability			\$25,000 DSL	\$2,000,000	Included
b. Employee Benefits Program Administration Liability			\$25,000 DSL	\$2,000,000	Included

**V.** This Agreement includes these endorsements and schedules: See Schedule A

**VI. ESTIMATED ANNUAL PREMIUM**

	Normal Premium	Incentive Credit	Service Fee	Net Premium
Florida Municipal Insurance Trust (FMIT)	\$36,725	\$3,305	\$1,759	\$35,179

**Florida League of Cities Sponsored Insurance Programs Since 1977**

THIS DECLARATIONS AND THE SUPPLEMENTAL DECLARATIONS, TOGETHER WITH THE COMMON CONDITIONS, COVERAGE FORM(S) AND ENDORSEMENTS COMPLETE THE ABOVE NUMBERED AGREEMENT.

# TAB 7



**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 7

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> <b>RESOLUTION</b><br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|--|---|

**SUBJECT:** Fee schedule for Lake Shore Park picnic pavilion(s)

**RECOMMENDED MOTION/ACTION:** Recommended that the Commission adopt a new fee schedule for Lake Shore Park Picnic Pavilion(s)

**Approved by Town Manager**

*Greg Dowling*

**Date:**

9/20/07

Greg Dowling, Interim Director of Parks & Recreation  
Name/Title

September 19, 2007  
Date of Actual Submittal

<b>Originating Department:</b>  Parks & Recreation	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b>  Proposed Fee Schedule
<b>Department Review:</b> <input checked="" type="checkbox"/> Community Affairs <u>GD</u> <input type="checkbox"/> Community Development <input type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept <input type="checkbox"/> Grants <input type="checkbox"/> Human Resources <input type="checkbox"/> Library <input type="checkbox"/> Marina	<input type="checkbox"/> PBSO <input type="checkbox"/> Public Works <input type="checkbox"/> Town Attorney <input type="checkbox"/> Town Clerk <input type="checkbox"/> Town Manager
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>GD</u> :  Please initial one.

**Summary Explanation/Background:**

Attached is the proposed rate schedule for the rent of the picnic pavilions at Lake Shore park. If approved, these rates will become effective September 27, 2007.

**RESOLUTION NO. 78-09-07**

**A RESOLUTION OF THE TOWN COMMISSION OF  
THE TOWN OF LAKE PARK, FLORIDA  
ADOPTING A FEE SCHEDULE FOR THE PUBLIC  
USE OF THE PICNIC PAVILIONS AT LAKE  
SHORE PARK.**

**WHEREAS**, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town desires to provide the citizens and visitors with appropriate venues for use of our public parks; and

**WHEREAS**, the Town has determined that it is in the best interest of the Town to provide staff and the public with a uniform rental fee schedule for the use of public facilities; and

**WHEREAS**, the Picnic Pavilions at Lake Shore Park are new facilities that have not previously had a fee structure established.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Commission of the Town of Lake Park, Florida:

**SECTION 1.** The Town Manager has directed staff to research fee structures for similar facilities in surrounding communities, and to make recommendations for a comparable fee schedule that will allow the Town of Lake Park to maintain these facilities for public use now and in the future.

**SECTION 2.** Staff is hereby directed to implement the fee schedule that has been set forth in Exhibit "A," attached to and incorporated in this resolution.

**SECTION 3.** This Resolution shall take effect immediately upon its adoption.

# Lake Shore Park Picnic Pavilion(s)

## Proposed Fee Schedule

Effective Date: September 27, 2007

Reservations are made on a first-come, first-served basis. The picnic pavilions are rented on the basis of one rental/per day/per pavilion. There are 2 picnic pavilions available for rent from sunrise to sunset. Staff proposes the following rental fees:

### Lake Shore Park Picnic Pavilions

The fees are based on an eight (8) hour rental period

	<u>Proposed Charge</u>
Deposit (Damage/Clean-up)	\$100
Rental Fee	\$ 50

Staff conducted a survey of neighboring municipalities to determine their Picnic Pavilion rental fees. The following are the survey findings:

#### Palm Beach County

Deposit	\$100.00
Weekday Rental	\$ 37.28
Weekend Rental	\$106.50

#### Palm Beach Gardens

No Deposit	
Resident Fee	No Charge
Non-Resident Fee	\$75.00

#### City of Lake Worth

No Deposit	
Resident Fee	\$31.95
Non-Resident Fee	\$53.25

#### Village of North Palm Beach

No Charge

Scheduling at all sites is sun-up to sun-down

# TAB 8

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 8

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input checked="" type="checkbox"/> CONSENT AGENDA |
|--|--|

**SUBJECT:** Holiday Boat Parade Contribution

**RECOMMENDED MOTION/ACTION:** Authorize a \$250.00 contribution

**Approved by Town Manager** [Signature]

**Date:** 9/20/07

Virginia Martin  
 Name/Title

September 20, 2007  
 Date of Actual Submittal

<b>Originating Department:</b>  Administration	Costs: \$ 250.00  Funding Source: General Fund  Acct. # 48000	<b>Attachments:</b>  
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>GM</u> :  Please initial one.

**Summary Explanation/Background:**

At the September 12, 2007 regular Commission meeting, the Mayor requested that this item be brought before the Commission for discussion and possible action so that a contribution by the Town could be recognized in the Annual Boat Parade program as a sponsor.

# TAB 9

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 9

- |  |   |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input checked="" type="checkbox"/> <b>GENERAL APPROVAL OF ITEM</b><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input checked="" type="checkbox"/> <b>CONSENT AGENDA</b> |
|--|---|

**SUBJECT:** Appointments for the Community Development Corporation

**RECOMMENDED MOTION/ACTION:** Recommend the Mayor appoint Patricia Osterman, Christine Francois, Michelle McKenzie-Suiter, and Virginia Martin to the Board of Directors of the Lake Park Community Development Corporation, Inc.

**Approved by Town Manager** [Signature]

**Date:** 9/20/07

Virginia Martin, Grants Writer  
Name/Title

September 19, 2007  
Date of Actual Submittal

<b>Originating Department:</b> Grants	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b> None
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input checked="" type="checkbox"/> Grants <u>G:M</u> <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>G:M</u> OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:**

The Commission authorized the formation of the Community Development Corporation. The first Board of Directors is to be appointed by the Commission according to the Articles of Incorporation and the By-Laws.

# TAB 10



**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 10

- ☒ PUBLIC HEARING ☐ RESOLUTION
- ☐ ORDINANCE ON FIRST READING ☒ ORDINANCE ON SECOND READING
- ☐ BID/RFP Award ☐ DISCUSSION
- ☐ GENERAL APPROVAL OF ITEM ☐ CONSENT AGENDA
- ☐ Other:

**SUBJECT:** Millage Ordinance No. 23-2007

**RECOMMENDED MOTION/ACTION:** Motion to approve millage ordinance for Fiscal Year 2007-2008.

Approved by Town Manager

*Al Davis*

Date:

*9/2/07*

*Ann M. Costello* / Finance Director  
 Name/Title

*9/6/07*  
 Date of Actual Submittal

<b>Originating Department:</b> Finance	Costs: \$ N/A Funding Source: Acct. #	<b>Attachments:</b> Ordinance No. 23-2007
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance <i>AMC</i>	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required – Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <i>AMC</i> : Please initial one.

**Summary Explanation/Background:** In accordance with chapter 200.065 F.S. the Town must approve a millage ordinance to establish the millage rate for the next fiscal year. This is required for TRIM compliance.

**Town of Lake Park Town Commission  
Agenda Request Form**

Meeting Date: September 12, 2007

Agenda Item No.

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING                        | <input type="checkbox"/> RESOLUTION                  |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award                         | <input type="checkbox"/> DISCUSSION                  |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM              | <input type="checkbox"/> CONSENT AGENDA              |
| <input type="checkbox"/> Other:                                |  |

SUBJECT: Millage Ordinance No. 23-2007

RECOMMENDED MOTION/ACTION: Motion to approve millage ordinance for Fiscal Year 2007-2008.

Approved by Town Manager \_\_\_\_\_ Date: \_\_\_\_\_

James M. Costello / Finance Director  
Name/Title

9/6/07  
Date of Actual Submittal

<b>Originating Department:</b> Finance	Costs: \$ N/A Funding Source: Acct. #	<b>Attachments:</b> Ordinance No. 23-2007
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney <u>JMC</u> <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required – Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>PMC</u> : Please initial one.

Summary Explanation/Background: In accordance with chapter 200.065 F.S. the Town must approve a millage ordinance to establish the millage rate for the next fiscal year. This is required for TRIM compliance.

**ORDINANCE NO. 23-2007**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007 AND ENDING SEPTEMBER 30, 2008; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2007/2008; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

**WHEREAS**, these powers include the power to adopt millage rates to be levied by the Town of Lake Park on all taxable real and tangible personal property within the Town each fiscal year; and

**WHEREAS**, the Town Commission has on this date held a properly advertised public hearing pursuant to the requirements of Section 200.065, *F.S.*, to adopt a millage rate for the Town's 2007/2008 Fiscal Year; and

**WHEREAS**, the Town Commission has discussed "the percentage increase in millage over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased"; and

**WHEREAS**, the public has been allowed to speak and ask questions regarding the tentative millage rate prior to adoption and the Town Commission has explained the reasons for the increase over the rolled-back rate; and

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are true and correct and incorporated herein.

**Section 2.** In order to fund the budget of the Town of Lake Park, a millage rate is hereby adopted and levied by the Town Commission of the Town of Lake Park, pursuant to the Laws and Constitution of the State of Florida, as follows:

A. Upon first reading hereof, the proposed millage rate computed to fund the Town's tentative budget is hereby approved and adopted in the sum of 7.6350 mills. For each \$1,000.00 of assessed valuation, said millage rate will raise a tax of \$5,599,729.43.

B. Upon second reading hereof, the final millage rate computed to fund the Town's final budget is hereby approved and adopted in the sum of 7.6350 mills. For each 1,000.00 of assessed valuation, the millage rate will raise a tax of \$5,599,729.43.

**Section 3.** The rolled-back millage rate computed by the Town of Lake Park pursuant to the instructions furnished by the Palm Beach County Property Appraiser for the fiscal year 2007-2008 is 7.6350 mills. The percentage, if any, by which the above specified millage rate to be levied by the Town of Lake Park exceeds the rolled-back rate, are as follows:

A. The proposed millage rate exceeds the rolled-back millage rate by 0.0000 percent. This figure is declared to be the percentage increase, if any, in property taxes for the Town of Lake Park proposed to be adopted by the Town Commission.

B. The final millage rate exceeds the rolled-back millage rate by 0.0000 percent. This figure is declared to be the percentage increase, if any, in property taxes for the Town of Lake Park actually adopted by the Town Commission.

**Section 4.** In order to fund the voter approved debt service for the Town of Lake Park, a millage rate of .9500 is hereby adopted by the Town Commission of the Town of Lake Park pursuant to the Laws and Constitution of the State of Florida.

**Section 5.** Pursuant to the millage rate aforesaid, the following amount of ad valorem taxes shall be raised and collected by the Town of Lake Park for municipal purposes and expenses for the fiscal year beginning October 1, 2007 and ending September 30, 2008, to-wit:

Under the proposed millage rate:      \$ 5,599,729.43

Under the final millage rate:            \$ 5,599,729.43

**Section 6.** Pursuant to the applicable provisions of the Constitution and Laws of the State of Florida and the Charter of the Town of Lake Park, there is hereby levied a general municipal millage rate as above stated, respectively, upon the dollar amount of the assessed valuation of all taxable real and tangible personal property in the Town of Lake Park as returned by the Palm Beach County Property Appraiser in the Town's behalf and fixed by the Town Commission as shown by the 2007 tax roll for the Town of Lake Park, allowing the homestead and all other lawful exemptions as shown therein.

**Section 7.** The millage hereby levied, as above stated, respectively, is hereby approved and certified by the Town Commission of the Town of Lake Park, pursuant to the laws of the State of Florida.

**Section 8.** The ad valorem taxes hereby levied are for the purpose of raising funds, revenues and moneys to be used, set aside and expended for the functions and purposes of the municipal government of the Town of Lake Park pursuant to the Constitution and Laws of the State of Florida and the Town Charter.

**Section 9.** The ad valorem taxes which are hereby levied are in excess of and above all other revenues to be received by the Town of Lake Park and are to be collected during the fiscal year beginning October 1, 2007 and ending September 30, 2008. All such ad valorem taxes so specified and levied are ordered to be extended upon the tax rolls, books and records of Palm Beach County in the proper millage in proportion to the valuation of such property as returned by the Palm Beach County Property Appraiser and fixed by the Town Commission of the Town of Lake Park.

**Section 10.** The Town Clerk is hereby directed to furnish a certified copy of this Ordinance upon first and second readings, respectively, to the Palm Beach County Property Appraiser, the Palm Beach County Tax Collector and the Department of Revenue of the State of Florida, as required by Law.

**Section 11.** This Ordinance shall take effect immediately upon adoption.

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# TAB 11

# Town of Lake Park Town Commission

## Agenda Request Form

Meeting Date: September 26, 2007

Agenda Item No. 11

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING  | <input type="checkbox"/> RESOLUTION                             |
| <input type="checkbox"/> ORDINANCE ON FIRST READING | <input checked="" type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award              | <input type="checkbox"/> DISCUSSION                             |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM   | <input type="checkbox"/> CONSENT AGENDA                         |
| <input type="checkbox"/> Other:                     |   |

SUBJECT: Budget Ordinance No. 24-2007

RECOMMENDED MOTION/ACTION: Motion to approve budget ordinance for Fiscal Year 2007-2008.

Approved by Town Manager

*W. Davis*

Date:

*9/6/07*

*Guerra M. Castillo* / Finance Director  
Name/Title

*9/6/07*  
Date of Actual Submittal

<b>Originating Department:</b> Finance	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b> Ordinance No. 24-2007
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input checked="" type="checkbox"/> Finance _____ <i>MC</i>	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input checked="" type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input checked="" type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required – Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** In accordance with chapter 200.065 F.S. the Town must approve a budget ordinance to adopt the budget for the next fiscal year. This is required for TRIM compliance.

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 12, 2007

Agenda Item No.

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING                        | <input type="checkbox"/> RESOLUTION                  |
| <input checked="" type="checkbox"/> ORDINANCE ON FIRST READING | <input type="checkbox"/> ORDINANCE ON SECOND READING |
| <input type="checkbox"/> BID/RFP Award                         | <input type="checkbox"/> DISCUSSION                  |
| <input type="checkbox"/> GENERAL APPROVAL OF ITEM              | <input type="checkbox"/> CONSENT AGENDA              |
| <input type="checkbox"/> Other:                                |  |

**SUBJECT:** Budget Ordinance No. 24-2007

**RECOMMENDED MOTION/ACTION:** Motion to approve budget ordinance for Fiscal Year 2007-2008.

Approved by Town Manager \_\_\_\_\_ Date: \_\_\_\_\_

*Quinn M. Costello* / Finance Director  
Name/Title

*9/6/07*  
Date of Actual Submittal

<b>Originating Department:</b> Finance	Costs: \$ N/A Funding Source: Acct. #	<b>Attachments:</b> Ordinance No. 24-2007
<b>Department Review:</b> <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept <input type="checkbox"/> Grants <input type="checkbox"/> Human Resources <input type="checkbox"/> Library <input type="checkbox"/> Marina	<input type="checkbox"/> PBSO <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Attorney <i>[Signature]</i> <input type="checkbox"/> Town Clerk <input checked="" type="checkbox"/> Town Manager
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required - Meeting was advertised on the TRIM notices to taxpayers.	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____ Please initial one.

**Summary Explanation/Background:** In accordance with chapter 200.065 F.S. the Town must approve a budget ordinance to adopt the budget for the next fiscal year. This is required for TRIM compliance.



**ORDINANCE NO. 24-2007**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.**

**WHEREAS**, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

**WHEREAS**, pursuant to Section 166.241, Florida Statutes, each municipality in the state of Florida is required to establish a fiscal year beginning October 1 of each year and ending September 30 of the following year shall adopt a budget each fiscal year.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, that:**

**Section 1.** As hereinafter stated in this resolution, the term "fiscal year" shall mean that period of time beginning October 1, 2007, and including September 30, 2008.

**Section 2.** The revenues hereinafter incorporated by reference be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the Town of Lake Park for the above described fiscal year.

**Section 3.** Sums hereinafter incorporated by reference listed as operating and other expenses of the respective funds and departments of the Town be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for said fiscal year.

**Section 4.** The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as follows:

- A. As set out in the amended proposed Town of Lake Park General Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- B. As set out in the amended proposed Town of Lake Park Debt Service Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- C. As set out in the amended proposed Town of Lake Park Streets & Roads Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- D. As set out in the amended proposed Town of Lake Park Marina Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- E. As set out in the amended proposed Town of Lake Park Sanitation Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.

**Section 5.** The sums hereinbefore incorporated by reference based upon departmental estimates

prepared by the Town Manager and the Finance Director, shall be, and the same hereby are, fixed and adopted as the budget for the operation of the Town of Lake Park Government and its other enterprises for the fiscal year beginning October 1, 2007.

**Section 6.** The Town of Lake Park adopts the provisions of Florida Statutes 200 which provides for the expenditures of monies for the fiscal year based upon the tentative budget approved by the Town Commission of the Town of Lake Park.

**Section 7.** This Ordinance shall become effective.

## BUDGET SUMMARY

<b>COST CENTER</b>	<b>COST CENTER NAME</b>	<b>BUDGET 2007-2008</b>
100	Town Commission	82,871
104	Town Manager	281,200
105	Personnel	157,741
106	Town Clerk	170,837
108	Legal	271,000
110	IT Budget	138,561
150	Finance	434,406
200	Police - Administration	2,625,739
300	Fire	2,214,222
400	Public Works - Administration	260,531
406	Public Works - Grounds Maint.	466,430
408	Public Works - Facilities Maint.	251,083
410	Public Works - Vehicle Maint.	149,039
500	Community Development	610,176
600	Parks & Recreation	356,223
700	Library	398,325
710	Library - State Aid	12,000
900	Non-Departmental	1,584,606
	<b>TOTAL</b>	<b>10,464,990</b>
110	Comm. Redevelopment Agency	-
190	Streets and Roads	-
201	1997 Bond Debt Service Fund	-
800	Marina Fund 401	-
404	Sanitation Fund 404	-
	<b>TOTAL ALL FUNDS</b>	<b>\$ 10,464,990</b>

# TAB 12

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 12

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><input checked="" type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input type="checkbox"/> CONSENT AGENDA |
|---|--|

**SUBJECT:** Budget Amendment Ordinance

**RECOMMENDED MOTION/ACTION:** Motion to approve budget amendment ordinance for Fiscal Year 2006-2007.

**Approved by Town Manager**

*[Signature: H. Davis]*

**Date:**

*9/6/07*

*Anne M. Costello* / Finance Director  
 Name/Title

*9/6/07*  
 Date of Actual Submittal

<b>Originating Department:</b> Finance	Costs: \$ N/A Funding Source: Acct. #	<b>Attachments:</b> Budget amendment ordinance
<b>Department Review:</b> <input type="checkbox"/> Community Affairs <input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <i>AMC</i>	<input type="checkbox"/> Fire Dept <input type="checkbox"/> Grants <input type="checkbox"/> Human Resources <input type="checkbox"/> Library <input type="checkbox"/> Marina	<input type="checkbox"/> PBSO <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Town Attorney <input type="checkbox"/> Town Clerk <input checked="" type="checkbox"/> Town Manager <i>[Signature]</i>
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

**Summary Explanation/Background:** This budget amendment is for encumbrances and items that need to be adjusted due to housekeeping and commission approval items. The main purpose of this amendment is for proper presentation of financial statements in the CAFR.

**ORDINANCE NO. 25-2007**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN BUDGET FOR FISCAL YEAR 2006-2007 AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 9-2006; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission has previously established the budget for the Town of Lake Park for the fiscal year beginning October 1, 2006 and ending September 2007; and

**WHEREAS**, at the time of its adoption, the budget properly reflected expected revenues and appropriations; and

**WHEREAS**, to implement this budget, the Town Commission adopted and levied by Ordinance No.08-2006 a tentative and final millage rate for the fiscal year 2006-2007; and

**WHEREAS**, the Town Commission deems it necessary and advisable to amend the budget for the Town of Lake Park for fiscal year 2006-2007; which was adopted in Ordinance No.9-2006

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK FLORIDA:**

**Section 1.** An amended final budget of the Town of Lake Park has been duly prepared by the Town Manager and has been reviewed by the Town Commission, upon proper notice at public hearing, and the same is hereby adopted for the fiscal year beginning October 1, 2006 and ending September 30, 2007 as follows:

An amended final budget is hereby approved and adopted in the sum of \$ , a copy of which is incorporated by reference along with approved budget amendments made a part hereof and which include among others, the following items.

**Amended Final Budget**

**Fiscal Year 2006-2007**

General Fund	\$ 10,516,003
Community Redevelopment Agency Fund	\$ 295,403
Streets and Roads	\$ 567,528

Debt Service Fund	\$ 866,256
Marina Fund	\$ 1,601,304
Sanitation	\$ 1,940,184

**Section 2.** Pursuant to the applicable provisions of the Constitution and Laws of the State of Florida and the Charter and Code of the Town of Lake Park, the object and purpose of the appropriations provided for by this Ordinance and the amount of each function of the government of the Town is hereby fixed, made and appropriated in accordance with the terms, specification and details contained within the said budget.

**Section 3.** The Town Manager is hereby authorized to amend/transfer authorization between departmental accounts provided; however, that total appropriated expenditures by fund do not exceed Commission authorized amounts.

**Section 4.** If any section, subsection, sentence, clause, phase or portion of the Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 5.** All ordinances, including but not limited to Ordinance No. and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** This ordinance shall take effect immediately upon adoption.

## General Fund - 001

### Revenues

Acct.	Description	Amount
311.100	Ad Valorem	185,259
311.120	Del Ad Valorem	153
321.100	O/L Appl & Renewal	5,500
322.100	Building permits	100,000
334.700	Grant State Aid	816
335.100	Alcoh Licenses	2,500
341.100	Copy Charges	1,500
347.200	Summer Camp	2,400
347.500	Facilities Rentals	3,600
361.100	Interest	30,000
363.230	Landscape Assess	26,840
363.120	Rent Cell tower	3,000
	Reserves	552,282
	Total	<u>913,850</u>



## General Fund - 001

### Expenditures

Dept.	Description	Amount
100	Town Commission	
	Utilities	3,000
	Promotional	10,000
104	Town Manager	
	Other	1,300
	Membership	400
105	Human Resources	
	Executive Salaries	6,000
	Retirement	5,000
	Contractual	3,000
	Advertising	18,000
106	Town Clerk	
	Utilities	3,000
	Advertising	2,000
108	Legal	
	Professional-Attorney	75,000
	Other Legal	15,000
110	Engineering	
	Hardware-media	2,000
150	Finance	
	Part-time Salaries	12,000
	Overtime	3,000
	Accounting	16,800
	Contractual Services	5,000
	Insurance	1,900
200	Police Administration	
	Utilities	2,200
	Insurance	600
400	Public Work - Administration	
	Health Insurance	5,000
	Contractual	8,000
	Utilities	7,500

	Safety Equipment	1,200
	Hurricane	3,000
406	Public Works - Grounds Operating Expenses	12,500
408	Public Works - Facilities	
	Part-time Salaries	6,000
	Gasoline and Diesel	3,000
410	Public Works - Vehicle Maintenance	
	Retirement	1,200
	Health Insurance	4,000
	Vehicle and Supplies	5,500
500	Community Development	
	Special Pay	1,750
	Computer Software	1,500
600	Community Affairs	
	Other Part time	6,100
	Overtime Salaries	2,500
	Workers Comp	5,000
	Contractual Services	12,500
	Insurance	10,000
	Promotional	12,000
	Operating Supplies	12,200
	Trailer	39,000
	Bingo	1,400
	Gasoline	1,300
700	Library	
	Insurance	9,500
	Part time Salaries	35,000
900	Non-Departmental	
	Insurance	(100,000)
	Emergency Reserves	390,000
	Due to Marina	232,000
	Total	<u>913,850</u>

## Sanitation Fund - 404

### Revenue

Acct.	Description	Amount
331.500	Fema	17,800
361.100	Interest	34,000
399.999	Reserves	84,550
	Total	<u>136,350</u>

### Expenses

Description	Amount
Rental	10,000
Insurance	10,450
Repair and Maint	13,000
Vehicle and Supplies	45,000
Gasoline	24,000
Machinery & Equipment	33,900
Total	<u>136,350</u>

## Marina Fund - 401

### Revenues

Acct.	Description	Amount
347.614	Electrical	14,000
369.201	Diesel	60,000
	Due from General	232,000
	Total	<u>306,000</u>

### Expenses

Description	Amount
Overtime Salaries	8,000
Contracutual	50,000
Insurance	20,000
Advertising	5,000
Utilities	60,000
Gasoline and Diesel	90,000
Operating Supplies	15,000
Improvements	24,000
Mach & Equip	8,000
Construction Cost Recovery	26,000
Total	<u>306,000</u>

# TAB 13

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 13

☒ PUBLIC HEARING

☐ RESOLUTION

☒ Ordinance on Second Reading

☐ DISCUSSION

☐ Public Hearing

☐ ORDINANCE ON FIRST READING

☐ BID/RFP AWARD

☐ GENERAL APPROVAL OF ITEM

☐ CONSENT AGENDA

☐ Other:

**SUBJECT:** Ordinance amending the Town's Official Zoning Map to rezone a 14-acre parcel of land generally located at the intersection of Watertower Road and Congress Avenue from the C-4 business zoning district classification to the C-2 business zoning classification.

**RECOMMENDED MOTION/ACTION:** Motion to approve on first reading

Approved by Town Manager

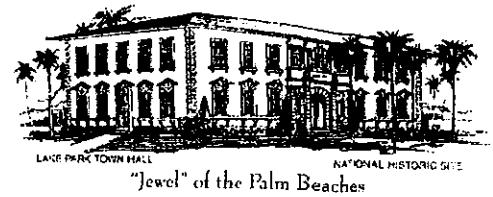
Date:

*W. Davis* 9/6/07

<b>Originating Department:</b> Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: <b>Staff Report</b> <b>Ordinance</b>
Department Review: <input checked="" type="checkbox"/> Town Attorney KER090507 <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** Gentile, Holloway, as the agent for the Owner-Applicant, Congress Avenue Properties, Ltd., has submitted an application for the rezoning of a 14 acre parcel of vacant real property located at the intersection of Watertower Road and congress Avenue from the current C-4 business district zoning classification to the C-2 business district classification, in anticipation of the eventual development of the property with a Kohl's department store on a portion of the site, and office, retail and light industrial on the remaining portion. The Planning and Zoning Board has reviewed the request and has recommended that the Town Commission approve the rezoning of the property. The Bioscience Advisory Board has also reviewed the project and has no objections to the rezoning. Please see staff report for a more detailed explanation.

**Town of Lake Park  
Community Development Department**



**Meeting Date: September 12, 2007**

**From: Patrick Sullivan, AICP, Director**

---

**To: Town Commission**

**Re: Congress Avenue & Watertower Road Rezoning (C-4 to C-2 Business District)  
(proposed future site of a Kohl's Department Store)**

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Congress Avenue Properties Limited is the fee simple owner ("Owner") of approximately 14.73 acres of vacant land ("subject property"), which is generally located at the northeast corner of Watertower Road and Congress Avenue, within the municipal boundaries of the Town of Lake Park ("Town"). The subject property's legal description is contained in **Exhibit "A"** and its general location is shown on **Exhibit "B"**, both of which are attached hereto. The subject property currently has a Future Comprehensive Land Use Designation of "Mixed Commercial/Light Industrial".

On or about July 20, 2007, the Town received a rezoning application ("Application") from Gentile Holloway O'Mahoney & Associates, Inc., as the authorized agent and applicant for **Congress Avenue Properties Limited** ("Applicant"), requesting the rezoning of the subject property from the C-4 Business Zoning District to the C-2 Business Zoning District. The Applicant proposes to develop a portion of the property with an approximate 98,165 square foot Kohl's retail department store, and develop the remainder of the property with either retail, office, or light industrial uses.

Town staff reviewed the Application, and determined that the proposed rezoning of the subject property is consistent with the Town's Code of Ordinances, and its Future Land Use Designation under the Town's Comprehensive Plan, and has recommended approval of the proposed rezoning. The Lake Park Planning and Zoning Board reviewed the subject Application at their August 6, 2007 meeting, and recommended that the Town Commission approve the Application and rezone the subject property. In addition, on August 30, 2007, the Scripps Bioscience Advisory Board adopted a resolution indicating that they have no objections to the proposed rezoning of the subject property.

All of the surrounding properties also have Future Land Use Designations of "Mixed Commercial/Light Industrial". The property to the north has been developed with a Target store and is zoned "PUD/C-1. The property to the east has been developed with an office

warehouse (light industrial) and is zoned "C-4/CLIC. The property to the south is vacant but is zoned C-4. The property to the west is developed with a Lowe's store, and Venetian Isles is zoned C-2/Mixed Use TND.

Policy 1.4.b. of the Town's Comprehensive Plan states that the intended development for this general area is a mix of commercial and light industrial uses. A large portion of the Congress Avenue Corridor has been developed under new C-2 and C-4 zoning regulations. Existing commercial retail uses in this area include Lowe's and a Walmart. Both of these retailers were rezoned from the C-4 zoning district to the C-2 zoning district to add flexibility in uses and permit retail uses which are not permitted in the C-4 District.

In 2006, the property and surrounding parcels were identified as having potential to become part of the Scripps Bio-Science Overlay. At that time, it was noted that while properties in the area might be available for bioscience uses, a portion of the land in this area could be developed with retail uses to allow for diversity in use and to add economic value to the Town's tax base. Town staff does not anticipate that this rezoning will detract from the economic development cluster, because 40 contiguous acres remain available for bioscience industrial applications.

Policy 1.8 of the Town's Comprehensive Plan states that new development shall be permitted only when central water and wastewater systems are available or will be provided concurrent with the impacts of development. The proposed rezoning will not deviate from this requirement. The property is currently part of a larger water management tract that flows south under Watertower Road then west under Congress Avenue, and eventually outfalls in the C-17 Canal. The 2003 Master Plan, along with the existing improvements to Congress Avenue, established this drainage system. Water and sewer is available to the property via existing connections located along Congress Avenue.

The proposed rezoning requires two advertised public hearings and notice of the rezoning ordinance to be published in a newspaper of general paid circulation in the Town and of general readership in the Town, in notice in the form prescribed by the notice requirements of Section 163.041, Fla. Stat. (2007). Notice of the proposed rezoning Ordinance, including a map indicating the area covered by the proposed rezoning ordinance, has been published in the Palm Beach Post on July 25, 2007. The second public hearing will be advertised no later than September 16, 2007. The proposed rezoning has been properly advertised in accordance with rezoning laws of the State of Florida.

Town staff recommends that the Town Commission **APPROVE** the rezoning from the C-4 Business District to the C-2 Business District. The rezoning is consistent with the Town's Comprehensive Plan, Land Development Regulations, and the Town's expressed development intent for the area. The rezoning is consistent with the development pattern along Congress Avenue, and the rezoning to the C-2 Business District will allow a greater variety of complimentary uses and will promote the expansion of the Town's tax base.



**ORDINANCE NO. 26-2007**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF LAKE PARK, FLORIDA REZONING APPROXIMATELY A 14.73 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED, AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WATER TOWER ROAD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN OF LAKE PARK, AS DEPICTED ON THE LOCATION MAP ATTACHED HERETO (EXHIBIT "B"), AND AS IS MORE PARTICULARLY DESCRIBED HEREIN AND ON EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, Congress Avenue Properties Limited, a Florida corporation, is the fee simple owner ("Owner") of approximately 14.73 acres of vacant land ("subject property") which is generally located at the northeast corner of Watertower Road and Congress Avenue, within the municipal boundaries of the Town of Lake Park ("Town"); and**

**WHEREAS, the subject property's legal description is contained in Exhibit "A" and its general location as shown in Exhibit "B", both of which are attached hereto and incorporated herein; and**

**WHEREAS, the subject property currently has a Future Comprehensive Land Use Designation of "Mixed Commercial/Light Industrial"; and**

**WHEREAS, Gentile, Holloway, O'Mahoney & Associates, Inc., as the authorized agent for the owner, Congress Avenue Properties Ltd ("Applicant"), has submitted an application to the Town for the rezoning of the subject property, from the C-**

4 Business Zoning District classification to the C-2 Business Zoning District classification, in contemplation of the future development of the property with a Kohl's retail department store to consist of approximately 98,165 square feet on one portion of the property, with either retail, office, or light industrial uses to be developed on the remaining acreage of the subject property; and

**WHEREAS,** the Town staff reviewed the Application and determined that the proposed rezoning of the subject property is consistent with the Town's Code of Ordinances and its Future Land Use Designation under the Town's Comprehensive Plan and has recommended approval of the proposed rezoning; and

**WHEREAS,** the Lake Park Planning and Zoning Board reviewed the subject Rezoning Application at their meeting of August 6, 2007, and recommended that the Town Commission approve the Application for the subject property; and

**WHEREAS,** in addition, on August 30, 2007 the Bioscience Advisory Board adopted a Resolution indicating that this Board has no objections to the proposed rezoning of the subject property; and

**WHEREAS,** at its duly held quasi-judicial public hearings, the Town Commission considered the proposed rezoning, and received evidence and testimony presented by Town staff, the Planning and Zoning Board, the Applicant, the Applicant's agents and representatives, members of the public, and other interested parties regarding the Application's consistency with the Town's Comprehensive Plan and Land Development Regulations; and

**WHEREAS,** the Town Commission has determined that the rezoning of the subject property and adoption of this Ordinance is consistent with the Town's Comprehensive Plan and Land Development Regulations, and is in the best interest of the citizens and residents of the Town of Lake Park, Florida.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION  
OF THE TOWN OF LAKE PARK, FLORIDA:**

**Section 1:** The foregoing recitals are hereby incorporated herein as true and correct findings of fact of the Town Commission, and serve as a basis for the adoption of this Ordinance.

**Section 2.** The Town Commission hereby rezones the subject property from C-4 Business Zoning District (C-4) to C-2 Business Zoning District (C-2).

**Section 3.** The Town's Official Zoning Map is hereby amended to reflect the assignment of the C-2 Business District zoning classification to the subject property.

**Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

**Section 5.** All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 6.** This Ordinance shall take effect immediately upon passage.

**Attachments: Exhibit "A"** Legal description of subject property

**Exhibit "B"** Location map

**EXHIBIT A**

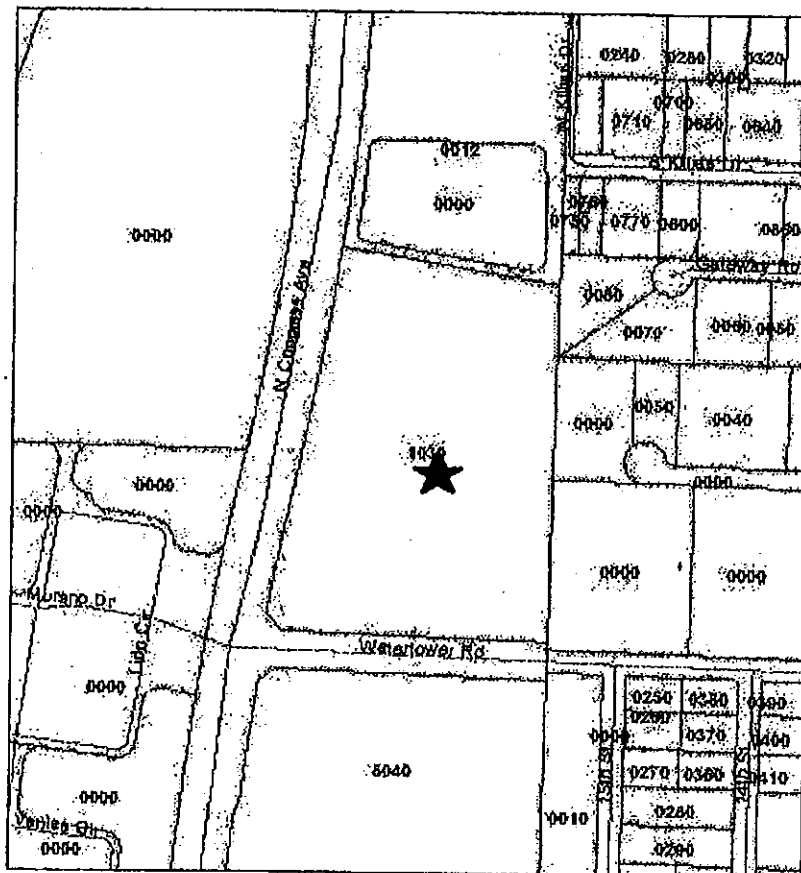
**LEGAL DESCRIPTION**

PARCEL 34.03 C (SOUTHERLY PORTION)  
O.R.B. 12416 PAGE 162

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NE ¼) OF SECTION 19 TOWNSHIP 24 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDED ON THE NORTH BY THE SOUTH LINE OF NORHTLAKE SQUARE EAST, AS RECORDED IN PLAT BOOK 109, PAGE 198, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE EAST LINE OF THE NORHTEAST ONE-QUARTER (NE1/4) OF SAID SECTION 19; BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE FOR WATER TOWER ROAD AS RECORDED IN OFFICAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE FOR CONGRESS AVENUE AS RECORDED IN OFFICAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLROIDA.

### General Location Map



# TAB 14

# Town of Lake Park Town Commission Agenda Request Form

Meeting Date: September 26, 2007

Agenda Item No. 14

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION<br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input type="checkbox"/> DISCUSSION<br><input type="checkbox"/> CONSENT AGENDA |
|--|--|

**SUBJECT:** Facility Fee waiver/reduction criteria

**RECOMMENDED MOTION/ACTION:** Adopt facility fee waiver/reduction policy

**Approved by Town Manager** [Signature] **Date:** 9/20/07

Greg Dowling/Int. Dir. Parks & Rec  
Name/Title

September 19, 2007  
Date of Actual Submittal

<b>Originating Department:</b>  Parks & Recreation	Costs: \$ N/A  Funding Source:  Acct. #	<b>Attachments:</b> Resolution Proposed Policy
<b>Department Review:</b> <input checked="" type="checkbox"/> Community Affairs <u>GD</u> <input type="checkbox"/> Community Development <input type="checkbox"/> Finance	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>GD</u> :  Please initial one.

**Summary Explanation/Background:** The Town Commission asked that staff propose a policy to waive fees in a uniform way that will allow staff to handle routine matters as it relates to facilities rental and waivers of fees. Special circumstance rentals that cannot be covered in a standard policy will still be brought before the Town Manager to decide on a case by case basis.

**RESOLUTION NO. 57-08-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA ADOPTING NEW CRITERIA FOR FEE WAIVER REDUCTIONS FOR TOWN FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has previously adopted fee waiver and reduction criteria for organizations wishing to rent Town facilities together with a corresponding fee schedule which provides for fee waivers and reductions when Town facilities are rented by organizations who meet the Town established criteria;

**WHEREAS**, the Town Commission recognizes that periodic adjustments must be made to the established fee waiver and reduction fee waiver schedule for qualified organizations in keeping with increased costs and the market in general; and

**WHEREAS**, the Town has determined that it is in the best interests of the Town to adopt both new criteria and a new fee waiver and reduction schedule as set forth in the Fee Waiver Criteria and Fee Reduction Schedule for Rental of Town Facilities (August 2007 edition)", a copy of which are attached hereto and incorporated herein as **Exhibit "A"**

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:**

**Section 1.** The foregoing recitals are incorporated herein as true and correct as the findings of fact and conclusions of law of the Town Commission.



**Section 2.** The Town Commission hereby approves the adoption of the revised criteria for qualification for organization discount in the rental of Town facilities, and the fee waiver and reduction schedule for qualified organizations as set forth in the Fee Waiver Criteria and Fee Reduction Schedule for Rental of Town Facilities (August 2007 edition)” attached hereto as **Exhibit “A”**, and Town staff is directed to implement the fees set forth therein commencing upon the effective date of this Resolution.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

At its May 16<sup>th</sup> Regular Commission Meeting, the Commission directed that staff develop criteria for fee waiver/reductions for rental of Town facilities, to include Non-Profit Groups. In order to facilitate the development of these criteria, staff has established the following categories for the rental of Town facilities by organizations and individuals:

**Category I (Events Sponsored by Public Sector Organizations)**

This category is for the rental of Town facilities for events specifically sponsored by public agencies such as the Town of Lake Park, public schools and other governmental agencies. This is a new category for which no rental fee structure previously existed. Staff is proposing the following rental fee waiver/reduction schedule for public sector organizations:

- No rental charge for the first event occurring during one calendar year;
- A reduction of 50% of the facility rental fee only for any additional events occurring during the same calendar year;
- All other fees (i.e. the deposit, personnel fee, alcohol fee, etc.) will be assessed at 100%

The rental of Town facilities by public sector organizations will be approved in advance by the Town Manager on a case-by-case basis.

**Category II (Events Sponsored by Non-profit and other Charitable Organizations)**

This category is for the rental of Town facilities for events specifically sponsored by legally established non-profit or other charitable organizations. This category includes organizations such as the Kiwanis of Lake Park, Red Cross, American Cancer Society, Hospice, Lake Park Youth League, and AYSO of Lake Park. In order to qualify for this rental fee structure, the organization must submit the following documentation along with a completed Town Rental Application form:

- A valid and current copy of the organization's IRS Determination Letter;
- A brief summary of the event's direct benefit to the citizens of Lake Park.

This is a pre-existing category for which no rental fee structure previously existed. Staff is proposing the following rental fee waiver/reduction schedule for non-profit and other charitable organizations:

- No rental charge for the first three (3) events occurring during one calendar year;
- A reduction of 50% of the facility rental fee only for any additional events occurring during the same calendar year;
- All other fees (ie the deposit, personnel fee, alcohol fee, etc) will be assessed at 100%

The rental of Town facilities by nonprofit and other charitable organizations shall be approved in advance by the Town Manager on a case-by-case basis.

### **Category III (Individual Residents and Nonresidents)**

This category is for rental of Town facilities for events sponsored by individuals who may or may not be residents of the Town of Lake Park, and whose activities in the opinion of the Recreation Director directly benefit citizens of the Town of Lake Park. This is a pre-existing category which previously required full price for either residents or nonresident of Lake Park. Staff is proposing the following rental fee waiver/reduction schedule for residents.

#### **For Residents:**

- A reduction of 10 percent of the facility rental fee only.
- All other fees (e.g., the deposit, personnel fee, alcohol fee, etc.) will be assessed at 100 percent

#### **For Nonresidents:**

- No waiver or reduction of the facility rental fee
- All other fees will be assessed at 100 percent

The rental of Town facilities by individual residents and nonresidents shall be approved in advance by the Recreation Director on a case-by-case basis.

### **Category IV (Current Town Employees)**

This category consists of individual who are currently employed by the Town of Lake Park. This is a pre-existing category for which previously required 50 percent reduction on rental fee and deposit, but no limit on usage. Staff is proposing the following rental fee waiver/reduction schedule for current Town employees:

- A reduction of 50 percent of the facility rental fee only for one event per calendar year
- All other fees (e.g., the deposit, personnel fee, alcohol fee, cleaning fee etc.) will be assessed at 100 percent

The rental of Town facilities by current Town employees shall be approved in advance by the Recreation Director on a case-by-case basis.

\*\*\*

Staff conducted a survey of neighboring municipalities to determine their facility fee waiver/reduction schedule. The following are the findings from that survey:

***Village of North Palm Beach:***

- All nonprofit groups are charged full price, no fees are reduced.

***Village of Palm Springs:***

- 10% discount for Non-Profit Groups.
- All nonprofit groups must provide current copy of 501(c)(3) or 501(c)(6) documentation

***Town of Jupiter:***

- 10% - 50% discount for nonprofit groups
- All nonprofit groups must provide current copy of 501(c)(3) Tax Exempt Certificate.

# TAB 15

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 15

- |   |  |
|---|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing<br><br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><br><input checked="" type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input type="checkbox"/> CONSENT AGENDA |
|---|--|

**SUBJECT:** Estimates for the Installation of Automatic Gates for the Entrances of Lake Shore Park

**RECOMMENDED MOTION/ACTION:** Provide Direction to Staff

Approved by Town Manager

*[Signature: M. J. Davis]*

Date:

9/19/07

Name/Title

Date of Actual Submittal

<b>Originating Department:</b>  Town Manager	Costs: \$ _____  Funding Source: _____  Acct. # _____	<b>Attachments:</b> 3 Proposals for Gate Installation and Cost Summary Sheet for Park Renovation
<b>Department Review:</b> <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____:  Please initial one.

**Summary Explanation/Background:** The Town Commission requested staff to obtain three cost estimates for the fabrication and installation of automatic gates for the entrances of Lake Shore Park. Estimates received are \$30,814, \$37,785 and \$38,519 respectively. These prices include automatic openers for two of the three gates. The middle gate will be a manual swing gate, which will be locked with a pad lock. These prices do not include the electric to the gate operators.

Also attached is a summary of expenditures for the renovation of the park to date.

Town of Lake Worth  
Lake Worth, FL. 33463

Date 9/13/07

**RECEIVED****ECS**

SECURITY INC.

For the attention of Hoa Hoang

SEP 13 2007

Proposal*Town Of Lake Worth  
Office Of Town Manager*

\$30,814.00

Dear Hoa

BLE?

In reference to my recent visit to the park in Lake Worth to ascertain your requirements for three sets of gates to the entrance please find our proposal as detailed below.

Supply and install new 30ft Sliding Gate (South Gate)

To fabricate a 30ft by 4 ft high (approx) aluminum sliding gate to a general design as shown in sketch drawing. Gate to use new support posts etc. the ground track to be installed across the drive way gate to be suitable for automation (see below)

General Specification

100% Aluminum construction  
Straight Spindle Design on gate  
Baked power coated standard colors  
Installation of gate

For the Sum of

\$9,396.00

Automation

To supply and install one Faac heavy duty 885 sliding gate operator complete with 30ft of drive track. The Faac operator is designed to be continuous use and suitable for high traffic use for gates up to 1800lb the weight and 35ft long see enclosed specification sheet for further details. Cost includes installation of operator control my way of digital coded keypad post mounted, exit gained via free exit loop installed to the inside of the gate. To comply with code two sets of safety photo beams to be installed that will prevent the gate from closing if a vehicle is present.

For the sum of

\$4,921.00

Supply and install new 15ft Swing Gate (Middle Gate)

To fabricate a 15ft by 4 ft high (approx) aluminum single swing gate to a general design as shown in sketch drawing. Gate to use new support posts etc and lock felicity. Gate to be manually operated.

General Specification

100% Aluminum construction  
Straight Spindle Design on gate  
Baked power coated standard colors  
Installation of gate

For the Sum of

\$3,706.00

ECS - Security Distribution Specialists



9421 S.E. Fed. Hwy. Hobe Sound.  
t. 772-545-2120 f. 772-545-2928  
e. ecsflus@aol.com w. www.ecssecurity.us

ECS Security Inc. is part of the ECS Group of Companies



**Supply and install new 24ft Sliding Gate (North Gate)**

To fabricate a 24ft by 4 ft high (approx) aluminum sliding gate to a general design as shown in sketch drawing. Gate to use new support posts etc. the ground track to be installed across the drive way gate to be suitable for automation (see below)

**General Specification**

100% Aluminum construction  
Straight Spindle Design on gate  
Baked power coated standard colors  
Installation of gate

**For the Sum of****\$7,870.00****Automation**

To supply and install one Faac heavy duty 885 sliding gate operator complete with 30ft of drive track. The Faac operator is designed to be continuous use and suitable for high traffic use for gates up to 1800lb the weight and 35ft long see enclosed specification sheet for further details. Cost includes installation of operator control my way of digital coded keypad post mounted, exit gained via free exit loop installed to the inside of the gate. To comply with code two sets of safety photo beams to be installed that will prevent the gate from closing if a vehicle is present.

**For the sum of****\$4,921.00**

All prices are subject to Sales Tax, applicable ruling at date of invoice.

**General Requirements**

We will require a 220v power supply to be installed to the gate operator

No allowance has been made for any permanent or special reinstatement of drive, road or structural surfaces which may become necessary on completion of our installation work, other than patch repair with concrete.

We have not submitted price for the civil works required to allow this installation to go ahead other than interconnecting ducts that we require to allow our system to function. Costs of all permits will be charged in addition at cost.

Our terms of payment are Pro-Forma, 50% with order – balance on completion. Please note commissioning and hand-over of part or completed installation made only on payment of all outstanding accounts.

ECS - Security Distribution Specialists



We are able to offer clients a full maintenance and service contract on fitted installations, details of which will be forwarded on request.

We trust we have interpreted your requirements correctly and look forward to receiving further instructions.

Yours faithfully

*Sean Hayes*

Sean Hayes  
President  
On behalf of ECS Security Inc

**Supply and install new 24ft Sliding Gate (North Gate)**

To fabricate a 24ft by 4 ft high (approx) aluminum sliding gate to a general design as shown in sketch drawing. Gate to use new support posts etc. the ground track to be installed across the drive way gate to be suitable for automation (see below)

**General Specification**

100% Aluminum construction  
Straight Spindle Design on gate  
Baked power coated standard colors  
Installation of gate

**For the Sum of**

**\$7,870.00**

**Automation**

To supply and install one Faac heavy duty 885 sliding gate operator complete with 30ft of drive track. The Faac operator is designed to be continuous use and suitable for high traffic use for gates up to 1800lb the weight and 35ft long see enclosed specification sheet for further details. Cost includes installation of operator control my way of digital coded keypad post mounted, exit gained via free exit loop installed to the inside of the gate. To comply with code two sets of safety photo beams to be installed that will prevent the gate from closing if a vehicle is present.

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All prices are subject to Sales Tax, applicable ruling at date of invoice.

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ECS Security Inc. is part of the ECS Group of Companies

We are able to offer clients a full maintenance and service contract on fitted installations, details of which will be forwarded on request.

We trust we have interpreted your requirements correctly and look forward to receiving further instructions.

Yours faithfully

*Sean Hayes*

Sean Hayes  
President  
On behalf of ECS Security Inc



gates		auto
South	9,396	4,921
Middle	3,706	
North	7,870	4,921
		<hr/>
		30,814



CHAMBERLAIN

ELITE  
LiftMaster  
SENTEX

PROCON  
ELECTRONICS

ECS - Security Distribution Specialists

9421 S.E. Fed. Hwy. Hobe Sound.  
t. 772-545-2120 f. 772-545-2928  
e. ecsflus@aol.com w. www.ecssecurity.us

ECS Security Inc. is part of the ECS Group of Companies

\$37,785.00



1100 53<sup>RD</sup> COURT SOUTH  
MANGONIA PARK, FL 33407

PH: 561-845-2245 \*\*\* FAX: 561-840-7429

## FACSIMILE TRANSMITTAL SHEET

TO:  
HOA HOANG

FROM:  
ROB BLALOCK

FAX NUMBER:

DATE:

881-3314

SEPTEMBER 7, 2007

COMPANY:  
TOWN OF LAKE PARK

TOTAL NO. OF PAGES INCLUDING COVER:

SENDER'S REFERENCE NUMBER:

9

RE:

LAKE SHORE PARK GATES

YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

NOTES/COMMENTS:

ATTACHED PLEASE FIND OUR ESTIMATE ALONG WITH DRAWINGS FOR  
THE ABOVE MENTIONED PROJECT.

**1100 53rd COURT SOUTH  
MANGONIA PARK, FL 33407**

**Estimate**

9/6/2007

Customer Name / Address	
TOWN OF LAKE PARK 535 PARK AVENUE LAKE PARK, FL 33403	
Customer E-mail	



Attention	Customer Phone #	Customer Fax #	Job Name		
HOA HOANG	881-3304	881-3314	LAKE SHORE PARK GATES		
Description			Qty	Cost	Total
<b>NORTH DRIVEWAY:</b>  <b>GATES: FABRICATE, PRIME, POWDER COAT BLACK AND INSTALL (2) ALUMINUM SWING GATES FOR 26' OPENING.</b>  <b>LABOR &amp; MATERIALS: \$7,300.00</b>				7,300.00	7,300.00
<b>OPERATORS: INSTALL (2) ELITE CSW 200 OPERATORS (WITHOUT BATTERY BACK UP), (2) CUT IN STYLE SAFETY LOOPS (CUT IN ASPHALT, INCLUDES DETECTOR), (1) CUT IN STYLE SHADOW/CENTER LOOP (CUT IN ASPHALT, INCLUDES DETECTOR), (1) SEVEN DAY TIMER, (1) FIRE DEPARTMENT KNOX LOCK, (1) GOOSENECK STAND FOR KNOX LOCK, (2) CONCRETE PADS FOR THE ELITE OPERATORS.</b>  <b>LABOR &amp; MATERIALS: \$10,370.00</b>				10,370.00	10,370.00
PLEASE SIGN, DATE AND FAX APPROVAL TO: 561-840-7429. WE APPRECIATE YOUR BUSINESS. THANK YOU, ROB			<b>Subtotal</b>  <b>Sales Tax (6.0%)</b>  <b>Total</b>		
QUOTE GOOD FOR 30 DAYS. PRICE DOES NOT INCLUDE OPERATORS, ELECTRICAL, ENGINEERING, ARCHITECTURAL DRAWINGS, BUILDING DEPT. MEETINGS, PERMIT RELATED FEES, OR ANY ITEM NOT SPECIFICALLY STATED ABOVE. ALL MATERIALS REMAIN THE PROPERTY OF J & R WELDING & REPAIRS UNTIL PAID IN FULL. COLLECTION & LEGAL FEES TO BE PAID BY CUSTOMER.					
Authorized Signature _____					
J & R Phone #	J & R Fax #	J & R E-mail	J & R Web Site		
561-845-2245	561-840-7429	jrwelding@bellsouth.net	www.jrwelding.net		

**J & R WELDING & REPAIRS**  
**1100 53rd COURT SOUTH**  
**MANGONIA PARK, FL 33407**

# Estimate

Date

9/6/2007

Customer Name / Address	
TOWN OF LAKE PARK 535 PARK AVENUE LAKE PARK, FL 33403	
Customer E-mail	



Attention	Customer Phone #	Customer Fax #	Job Name		
HOA HOANG	881-3304	881-3314	LAKE SHORE PARK GATES		
Description			Qty	Cost	Total
MIDDLE DRIVEWAY:  GATE: FABRICATE, PRIME, POWDER COAT BLACK AND INSTALL (1) SINGLE ALUMINUM SWING GATE FOR 15' OPENING. THIS GATE WILL HAVE NO OPERATOR AND WILL BE CAPABLE OF LOCKING WITH PADLOCK (NOT INCLUDED).  LABOR & MATERIALS: \$4,550.00				4,550.00	4,550.00
SOUTH DRIVEWAY:  GATE: FABRICATE, PRIME, POWDER COAT BLACK AND INSTALL (1) ALUMINUM ROLL GATE FOR 28' OPENING. INCLUDES (1) RECEIVER POST, (2) ROLLER POSTS, 56' OF ALUMINUM T-PEE TRACK, 3' TAIL ON GATE FOR OPERATOR ATTACHMENT.  LABOR & MATERIALS: \$9,600.00				9,600.00	9,600.00
PLEASE SIGN, DATE AND FAX APPROVAL TO: 561-840-7429. WE APPRECIATE YOUR BUSINESS. THANK YOU, ROB			Subtotal		
QUOTE GOOD FOR 30 DAYS. PRICE DOES NOT INCLUDE OPERATORS, ELECTRICAL, ENGINEERING, ARCHITECTURAL DRAWINGS, BUILDING DEPT. MEETINGS, PERMIT RELATED FEES, OR ANY ITEM NOT SPECIFICALLY STATED ABOVE. ALL MATERIALS REMAIN THE PROPERTY OF J & R WELDING & REPAIRS UNTIL PAID IN FULL. COLLECTION & LEGAL FEES TO BE PAID BY CUSTOMER.			Sales Tax (6.0%)		
Authorized Signature _____			Total		
J & R Phone #	J & R Fax #	J & R E-mail	J & R Web Site		
561-845-2245	561-840-7429	jrwelding@bellsouth.net	www.jrwelding.net		

**J & R WELDING & REPAIRS**  
**1100 53rd COURT SOUTH**  
**MANGONIA PARK, FL 33407**

# Estimate

Date

9/6/2007

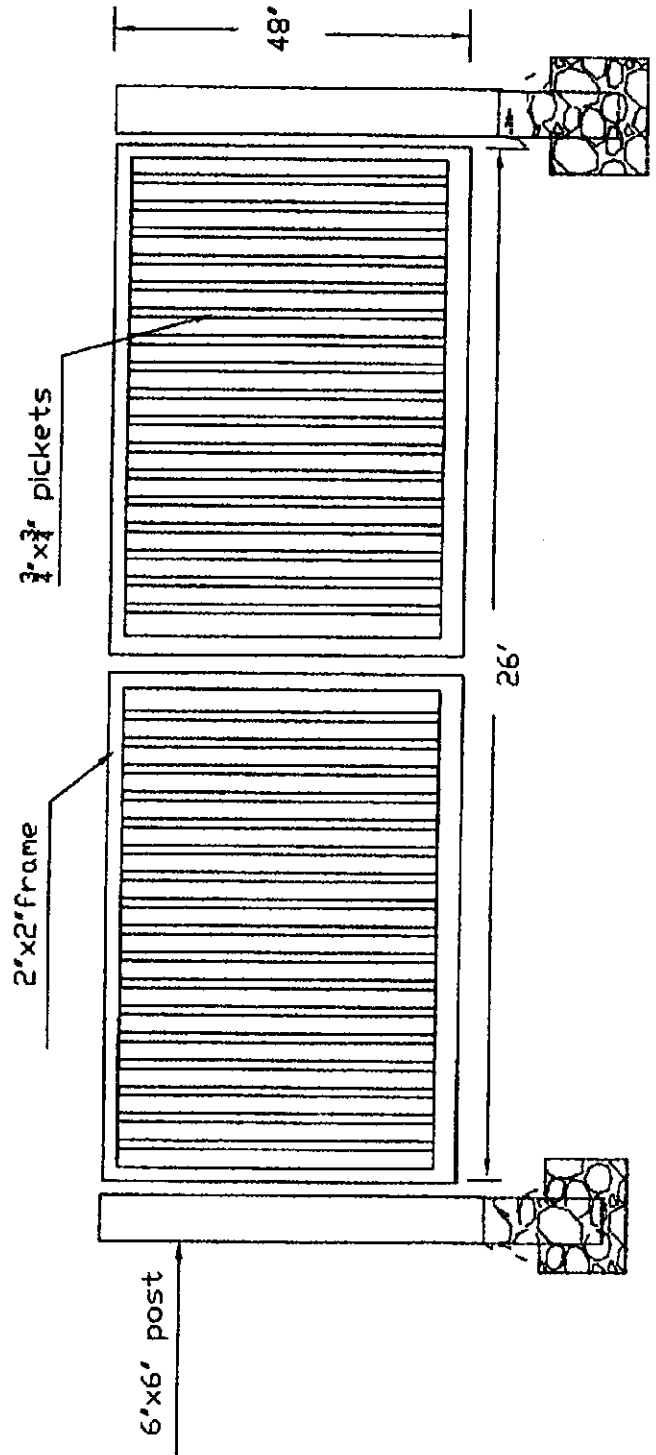
Customer Name / Address	
TOWN OF LAKE PARK 535 PARK AVENUE LAKE PARK, FL 33403	
Customer E-mail	



Attention	Customer Phone #	Customer Fax #	Job Name		
HOA HOANG	881-3304	881-3314	LAKE SHORE PARK GATES		
Description		Qty	Cost	Total	
OPERATOR: INSTALL (1) ELITE SL 3000 ROLL GATE OPERATOR (WITHOUT BATTERY BACK UP), (2) CUT IN STYLE SAFETY LOOPS (CUT IN ASPHALT, INCLUDES DETECTOR), (1) SEVEN DAY TIMER, (1) FIRE DEPARTMENT KNOX LOCK, (1) GOOSENECK STAND FOR KNOX LOCK, (1) CONCRETE PAD FOR OPERATOR.			5,940.00	5,940.00	
LABOR & MATERIALS: \$5,940.00					
0.5% PBC SURTAX			25.00	25.00	
NOTES: SEE (5) ATTACHED DRAWINGS FOR GATES ABOVE. PERMITS NOT INCLUDED. ELECTRICAL RUNS AND HOOK UP NOT INCLUDED.					
TERMS: SIGNED ESTIMATE REQUIRED TO START PROJECT. 25% DEPOSIT, 25% UPON INSTALLATION OF GATES, BALANCE (50%) DUE UPON INSTALLATION OF OPERATORS.					
PLEASE SIGN, DATE AND FAX APPROVAL TO: 561-840-7429. WE APPRECIATE YOUR BUSINESS. THANK YOU, ROB			<b>Subtotal</b> \$37,785.00		
QUOTE GOOD FOR 30 DAYS. PRICE DOES NOT INCLUDE OPERATORS, ELECTRICAL, ENGINEERING, ARCHITECTURAL DRAWINGS, BUILDING DEPT. MEETINGS, PERMIT RELATED FEES, OR ANY ITEM NOT SPECIFICALLY STATED ABOVE. ALL MATERIALS REMAIN THE PROPERTY OF J & R WELDING & REPAIRS UNTIL PAID IN FULL. COLLECTION & LEGAL FEES TO BE PAID BY CUSTOMER.			<b>Sales Tax (6.0%)</b> \$0.00		
			<b>Total</b> \$37,785.00		
Authorized Signature _____					
J & R Phone #	J & R Fax #	J & R E-mail	J & R Web Site		
561-845-2245	561-840-7429	jrwelding@bellsouth.net	www.jrwelding.net		

lakeshore park  
north entrance gate

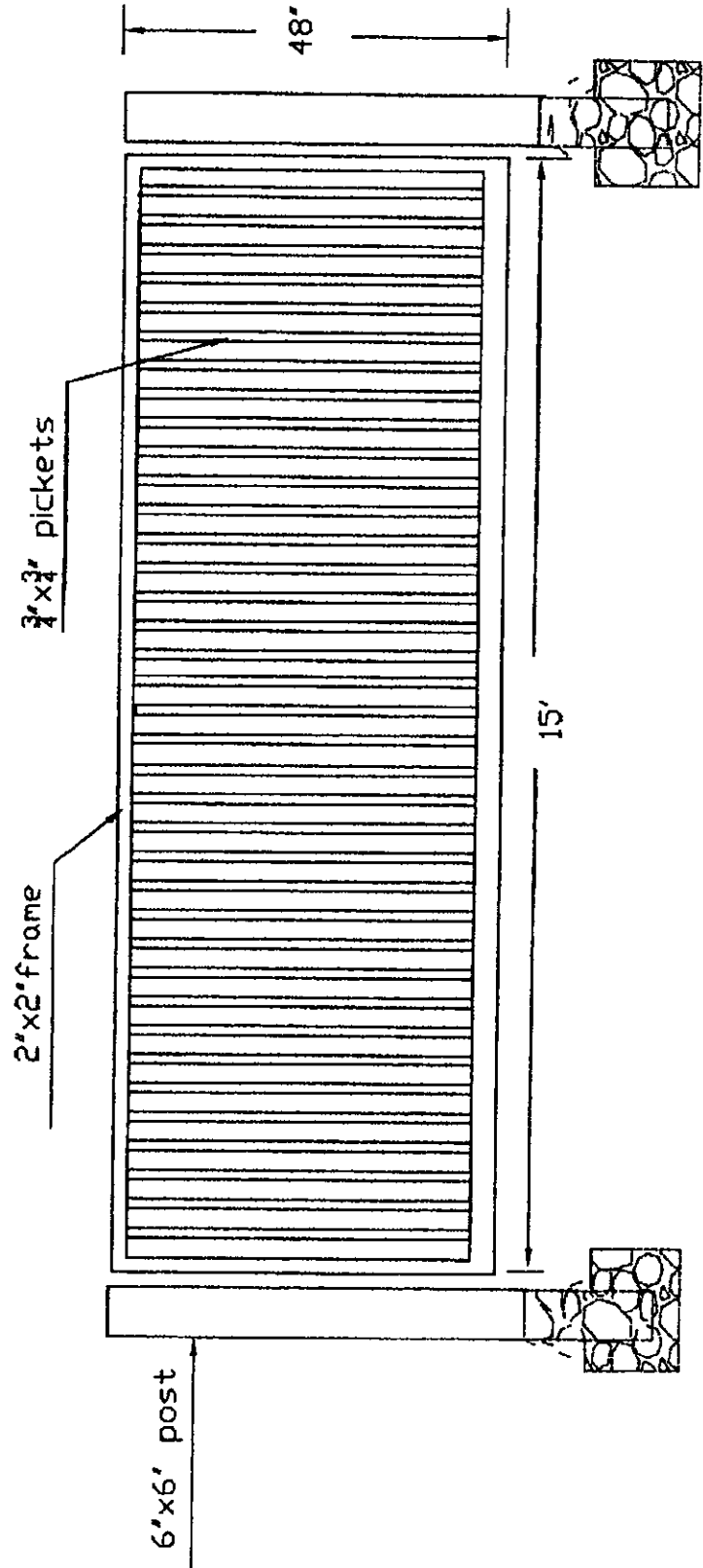
**J & R**  
**WELDING &  
REPAIRS** Since 1982  
*If it calls for welding, call us!*  
**(561) 845-2245**  
[www.jrwelding.net](http://www.jrwelding.net)





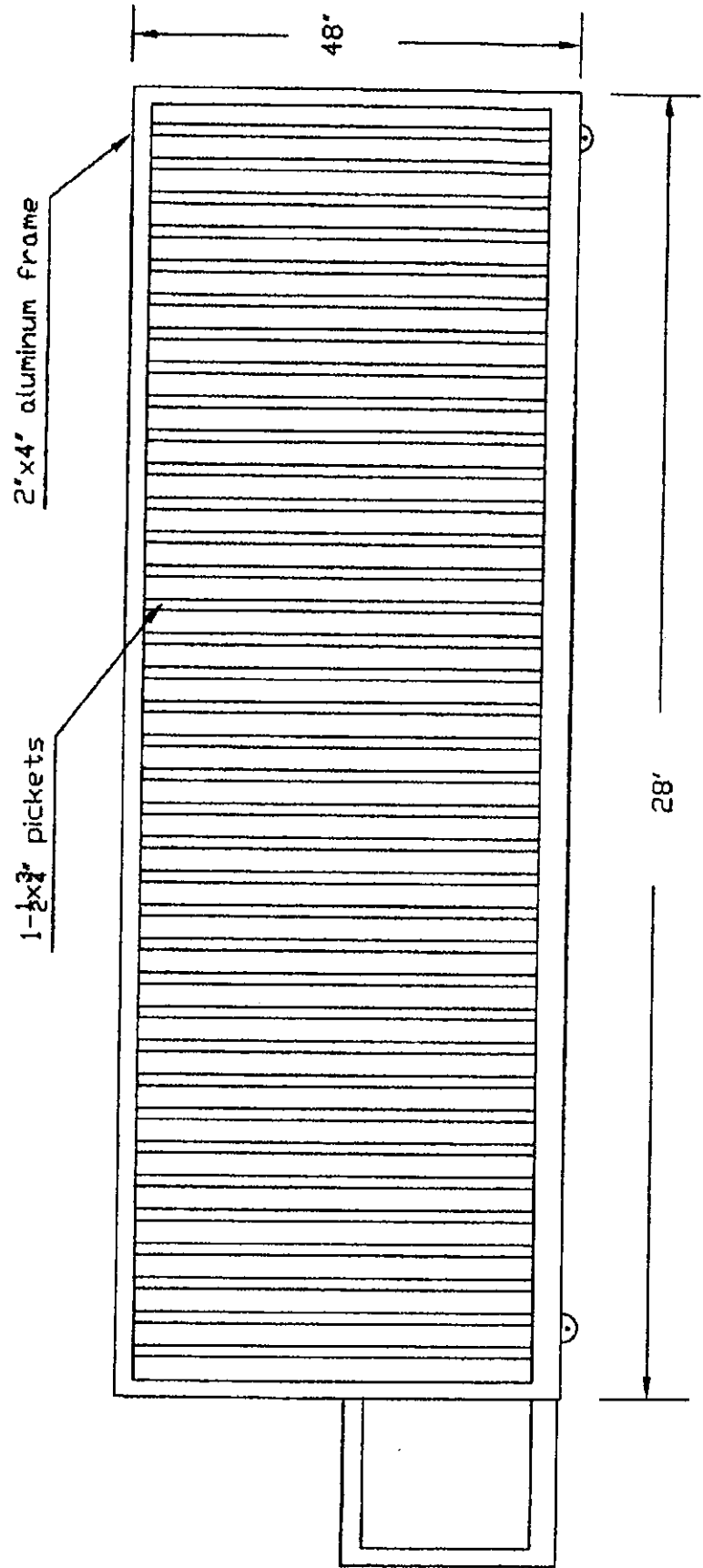
lakeshore park  
middle gate

**JR**  
WELDING &  
REPAIRS SINCE 1982  
If it calls for welding, call us!  
(561) 845-2245  
www.jrwelding.net



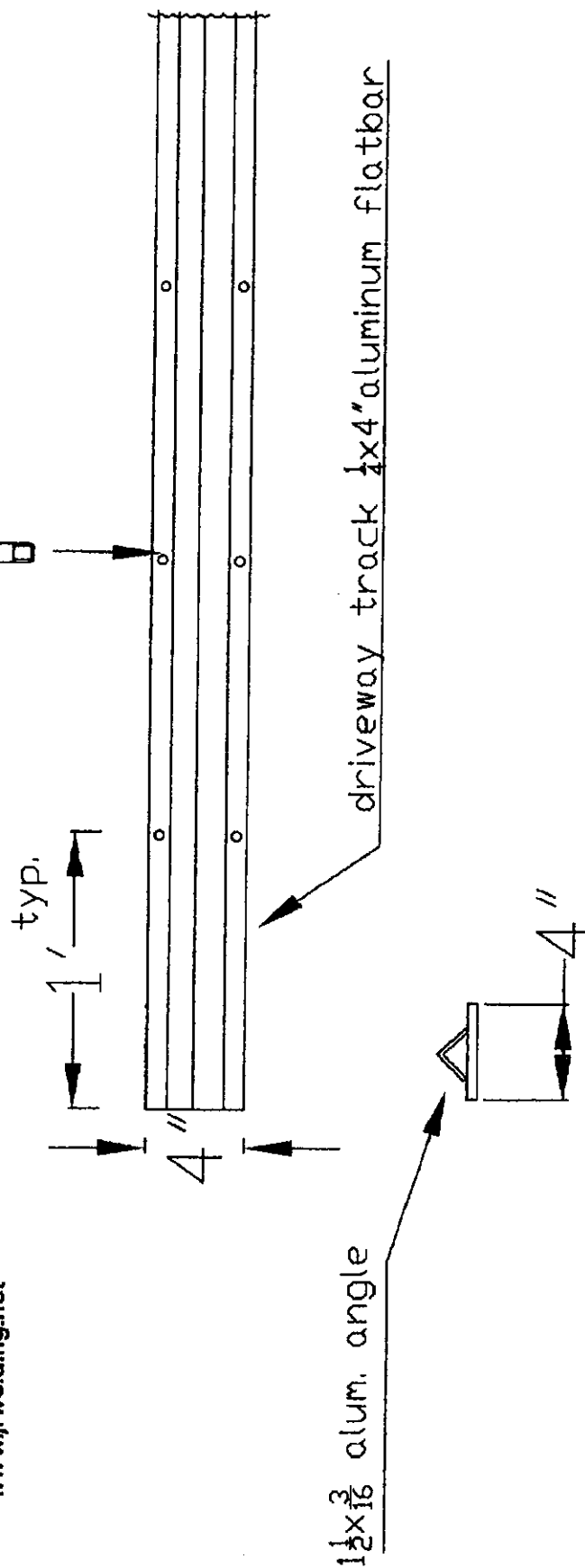


lake shore park  
south entrance gate



***If it calls for welding, call us!***  
**(561) 845-2245**  
**[www.jrwelding.net](http://www.jrwelding.net)**

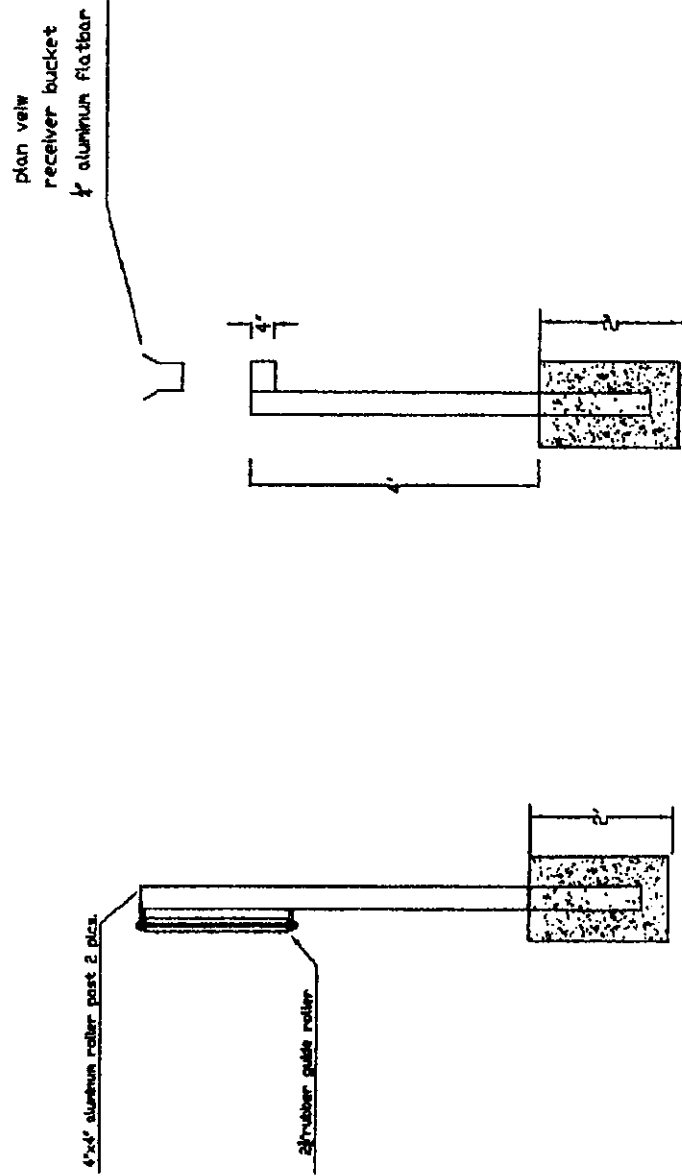
$\frac{1}{4}$ " x  $2\frac{1}{2}$ " stainless  
tapcons typ.

 $1\frac{1}{2} \times \frac{3}{16}$  alum. angle

# aluminum roller post and track for south gate

roller post

receiver post



*Gates @ Lake Shore Park \$38,519.26*

**Hoa Hoang**

**From:** Mike Probststein [mprobstein@temsystems.com]  
**Sent:** Wednesday, September 12, 2007 5:16 PM  
**To:** Hoa Hoang  
**Subject:** Lake Shore Park Gate Proposal  
**Attachments:** Lake Shore Park Gate Proposal DL Rev.doc; Riviera Beach FD Gate Order.pdf; Miami Dade Blanket PO.pdf

Hoa,

Attached is the proposal you requested for installing two (2) automatic and one (1) manual gate at Lake Shore Parke in the City of Lake Park. I apologize for taking so long to get this to you. You had asked me to provide you with some information to show that we have done business with other municipalities, so I have also attached a copy of our blanket P.O. with Miami Dade and a copy of an order from Riviera Beach Fire Department. Please let me know if you need any other back up material. If you have any questions, please don't hesitate to call me any time on my cell phone at (954)465-7662.

When you are ready to place this order, please initial each page where indicated, sign the last page, and fax it to me at (561)499-1439. Better yet, call me and I will pick it up at your office.

I look forward to hearing from you soon.

Sincerely,  
Mike Probststein

**Michael Probststein**  
TEM Systems, Inc.  
651 N Enterprise Dr., Suite 103  
Port St. Lucie, FL 33986  
(877) 741-2811\* (561) 471-2811  
CELL: (954)465-7662  
FAX : (561) 499-1439

NOTICE: This electronic message was sent from TEM Systems Inc. and may contain confidential, proprietary or privileged information. If you believe that you are not the intended recipient, you are hereby advised that any disclosure, copying, distribution or use of this electronic message, or its contents or attachments, is prohibited. If you have received this electronic message in error, please notify the sender immediately by telephone or electronic mail, and delete the message. If you do not wish to receive e-mails from TEM Systems, Inc. related to product or service offers, please reply to this e-mail with "unsubscribe" in the subject line.

9/12/2007

# TEM Systems, Inc. Proposal / Purchase Agreement

fka: Cincinnati Time

4880 N Hiatus Road Suite 120\* Sunrise \* FL \* 33351 \* 954-577-6044 \* 954-572-4531

September 12, 2007

**PREPARED FOR:** City of Lake Park  
535 Park Ave.  
Lake Park, FL 33403  
Attn: Hoa Hoanz

**PROJECT:** Lake Shore Park Gates

**System Overview:** TEM SYSTEMS proposes to install automated bi-parting aluminum swing gates at the entrance to the North and South parking lots at Lake Shore Park, and a single manual aluminum swing gate at the pedestrian walkway next to the North parking lot. The diagram showing these gates is at the end of this proposal. The gates will be 42" high and built with 2"x4" aluminum frames with 1"x1" pickets and mounted on 6"x6" aluminum posts. A drawing of this gate is also included at the end of this proposal. 4"x4" posts will also be located in the "hold open" position, so the gates can be secured to them in case of hurricane winds.

The parking lot gates will be opened and closed at pre-determined times by use of a 7 day timer. The gate operators will sit low to the ground so as not to be very noticeable, and will attach to the bottom of the gates. Full surge protection is provided. Safety loops and an IR detector will keep the gates from accidentally closing on a vehicle. The gates can be opened with a Knox Switch, should police need to open it after hours. The manual gate will be held closed by a Fire lock which will be supplied by the City of Lake Park. The City of Lake Park will supply electric and provide a low voltage conduit & 6 conductor cable under each parking lot driveway to connect the operators together. TEM Systems will fill out the paperwork and provide the necessary information for permitting, however, the City of Lake Park will take care of obtaining the permits and will be responsible for any fees.

<u>Qty</u>	<u>Model</u>	<u>Description</u>
2	6100-082	Gate Operator - Swing 1/2HP 115V Master with Battery BU
2	6100-083	Gate Operator - Swing 1/2HP Slave with Battery BU
4	2600-691	Pad Mount Kit for 6100
2	2600-791	Timer 7 Days
4	CP-L	Concrete Pad (2 x 2 x 2)
4	MT132	Detector Single Channel 120VAC with Harness
2	3502	KNOX Key Switch on Mounting Plate
4	L40	Loop - up to 40 perimeter feet
4	DTK-120HW	Suppressor-120VAC (3 Wire)
2	DTK-3LVLP-LV	Suppressor - Pair Low Voltage 12/24V + Loops
2	NIR	Sensor, Reflective 3" (add TRAN1220)
2	TRAN1220	Transformer-12VAC, 20VA
3	SGW	Aluminum swing gates and posts

**Includes Labor, Materials to Install, Freight and Handling**

**Total Investment (Price effective for 90 days) \$38,519.26 plus Sales Tax**

# TEM Systems, Inc.

## Proposal / Purchase Agreement

Terms: 50% Deposit with Order  
Balance upon Completion  
Leasing Options are Available

Warranty: Parts One Year, Labor One Year

Delivery: To begin 4 to 6 weeks after receipt of order and provided site is ready.

I, as the authorized purchaser, have read this proposal and understand what is being purchased. I agree that there are no verbal commitments, promises, etc., for additional products and/or services, and the only products and/or services being provided are listed on this proposal. I am aware that during the sales process, many products and/or services are discussed and only those listed in this proposal, are actually being purchased. I am also aware of the payment terms listed herein.

Please Initial \_\_\_\_\_

\*\*\*\*\*

The above price includes design / engineering of system, supply / mounting of hardware specified above, control wire connections, concrete, as well as supervision of complete installation which includes system walk-thru and instruction.

This price **DOES NOT** include, additional insured and/or performance bonds, electrical labor and/or materials, any responsibility for pavers, permits, phone lines, programming of customer data information into software, if required.

**NOTE #1 ~ Electrical Considerations (if applicable):** The electrical requirements exclude any existing code violations which an inspector may identify/flag and/or require repaired in order to sign off on TEM permit. Additionally, all existing conduit raceways being reused must be in reasonable condition and reusable. TEM will need to be reasonably assured that these conduits and wires are in satisfactory condition, before proceeding with installation.

**NOTE #2 ~ Engineering Fees (if applicable):** All though the current scope of work does not include/require engineering services and/or sealed drawings. TEM is capable of providing system engineering CAD drawings, as-builts, at an additional cost.

**NOTE #3 ~ Progress Payments (if applicable):** If the above project is delayed by the customer for any reason by more than 30 days from agreed upon delivery date. TEM may elect to invoice the customer for an additional 25% deposit. Payment is expected to be remitted within 15 days of billing. Failure to comply may result in delays in installation.

### NOTES:

TEM reserves the right to substitute any equipment that has been discontinued with models of equal or superior performance. Terms are 50% deposit with order. Net on receipt unless otherwise stated on this document. Account will be charged 1 1/2% per month after 30 days. Canceled orders for stock products are subject to a 25% restocking fee. Special or custom orders are non-cancelable. If installation is delayed by customer more than 45 days after scheduled installation date, equipment balance will be due and payable upon receipt of invoice. The aforesaid property is sold and delivered with the condition affixed that the title thereto shall remain in the seller until the purchase price thereof shall have been paid in full. If default shall be made in the payment of any of the aforesaid payments, notes or checks, given in purchase of said property, and shall continue for thirty days. All of said payments, notes or checks shall become due immediately and seller or its assigns shall have the right to retake said property, with or without process of law. The seller may resell said property, so retaken, at public or private sale, and upon such terms and in such manner as it may determine from the proceeds of any such sale, the seller shall deduct all expenses for retaking, repairing and reselling said property, including reasonable attorney's fee; and the balance shall be credited to the amount due on the aforesaid purchase money payment, notes or checks, any surplus shall be paid over the purchaser, and any deficiency shall be paid by him. There shall be no abatement in the purchase price because of damage or destruction of property by fire or otherwise. No representations have been made by the salesman that are not included herein. The purchaser agrees to pay the cost of collection and a reasonable attorney's fees on any part of said purchase price that may be collected by suit or by attorney after the same is past due. It is further understood and agreed that all covenants and agreements of this purchase shall be binding upon and applied to the heirs, executors, agents, legal representatives and assigns of the purchase. The above conditions of purchase and payment are hereby accepted. This order is not in effect until accepted by TEM Management.

# TEM Systems, Inc. Proposal / Purchase Agreement

Agreed To And Accepted By:

Agreed To And Accepted By:

Client (Print Name):

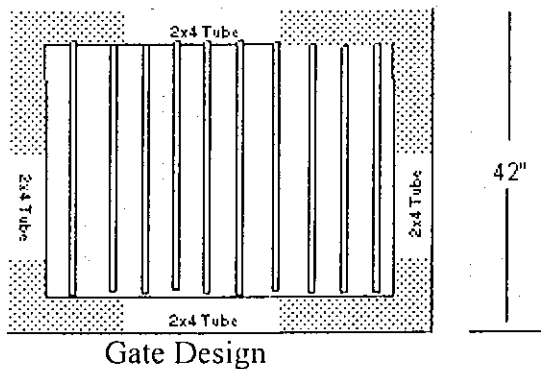
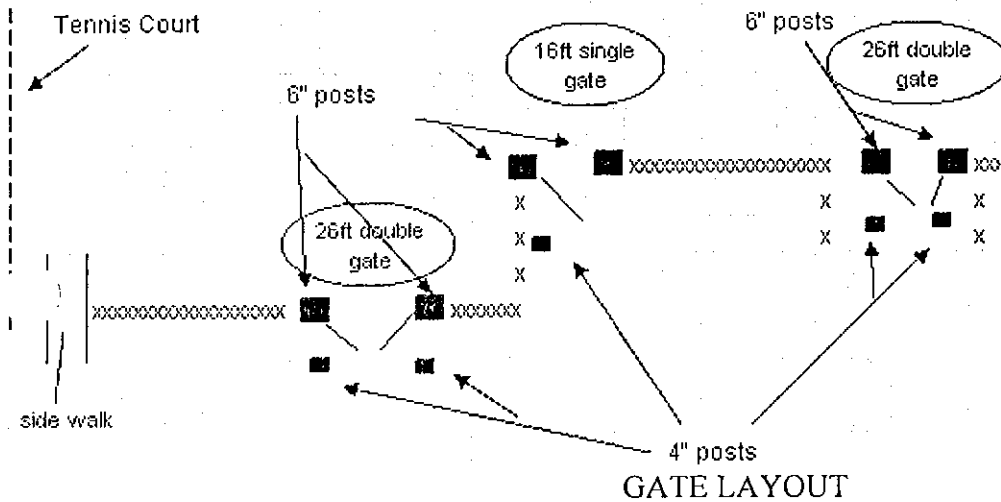
Consultant : Michael Probst

Client Title :

Title : Sales Consultant

Client Signature : \_\_\_\_\_ Signature : \_\_\_\_\_

TEM Management Acceptance: \_\_\_\_\_ Date: \_\_\_\_\_





## TEM Systems, Inc. Proposal / Purchase Agreement

aka: Cincinnati Time

4880 N Hiatus Road Suite 120\* Sunrise \* FL \* 33351 \* 954-577-6044 \* 954-572-4531

July 13, 2006

**PREPARED FOR:** City of Riviera Beach Fire Dept.  
1663 W Blue Heron Blvd.  
Riviera Beach, FL 33404  
Attn: Joann Berry

**PROJECT:** Replace Slide Gate

**System Overview:** TEM SYSTEMS proposes to replace the defective Slide Gate Operator at the West entrance to the Riviera Beach Fire Station at the above location with a new Heavy Duty Slide Operator. An IR detector will be added as a safety feature to prevent the gate from closing on vehicles or people. The defective gate operator will be removed from the station. All wiring is assumed to be in good condition. If wiring is found to be defective, additional charges may apply.

Qty	Model	Description
1	SL575S01G3	Heavy Duty Slide Gate Operator
20	40ST	Chain-#40 Standard (per foot)
1	DTK-120HW	Suppressor-120VAC (3 Wire)
1	D-TEK12V	Detector Single Channel 12V with harness
1	NIR	Sensor, Reflective 3"
1	TRAN1220	Power Supply-12VAC, 20VA

Includes Labor, Materials to Install, Freight and Handling

Total Investment (Price effective for 90 days)\$2,794.92 plus Sales Tax

**Terms:** 50% Deposit with Order

Balance upon Completion

Leasing Options are Available

**Warranty:** Parts One Year, Labor One Year**Delivery:** To begin 2 to 4 weeks after receipt of order and provided site is ready.

\*\*\*\*\*

This above price includes design / engineering of system, supply / mounting of hardware specified above, control wire connections, as well as supervision of complete installation which includes system walk-thru and instruction.

This price DOES NOT include, additional insured and/or performance bonds, electrical labor and/or materials, concrete, any responsibility for pavers, permits, phone lines, programming of customer data information into software, if required.

**NOTE #1 - Electrical Considerations (if applicable):** The electrical requirements exclude any existing code violations which an inspector may identify/flag and/or require repaired in order to sign off on TEM permit. Additionally, all existing conduit raceways being reused must be in reasonable condition and reusable. TEM will need to be reasonably assured that these conduits and wires are in satisfactory condition, before proceeding with installation.

**NOTE #2 - Engineering Fees (if applicable):** All though the current scope of work does not include/require engineering services and/or sealed drawings. TEM is capable of providing system engineering CAD drawings, as-built, at an additional cost.

TEM Consultant: \_\_\_\_\_ Client: \_\_\_\_\_ Date: \_\_\_\_\_  
TEM Systems Inc. \* 4880 N. Hiatus Road Suite 120\* Sunrise \* FL \* 33351 \* 800-777-8912  
TEM Systems Inc. / Page 1 of 2

Jul 13 06 04:22p

Michael Probst

(561)499-1439

p.3

## TEM Systems, Inc. Proposal / Purchase Agreement

**NOTE #3 - Progress Payments (if applicable):** If the above project is delayed by the customer for any reason by more than 30 days from agreed upon delivery date, TEM may elect to invoice the customer for an additional 25% deposit. Payment is expected to be remitted within 15 days of billing. Failure to comply may result in delays in

### NOTES:

TEM reserves the right to substitute any equipment that has been discontinued with models of equal or superior performance. Terms are 50% deposit with order. Net on receipt unless otherwise stated on this document. Account will be charged 1 1/2% per month after 30 days. Canceled orders for stock products are subject to a 25% restocking fee. Special or custom orders are non-cancelable. If installation is delayed by customer more than 45 days after scheduled installation date, equipment balance will be due and payable upon receipt of invoice. The aforesaid property is sold and delivered with the condition affixed that the title thereto shall remain in the seller until the purchase price thereof shall have been paid in full. If default shall be made in the payment of any of the aforesaid payments, notes or checks, given in purchase of said property, and shall continue for thirty days. All of said payments, notes or checks shall become due immediately and seller or its assigns shall have the right to retake said property, with or without process of law. The seller may resell said property, so retaken, at public or private sale, and upon such terms and in such manner as it may determine from the proceeds of any such sale, the seller shall deduct all expenses for retaking, repairing and reselling said property, including reasonable attorney's fee, and the balance shall be credited to the amount due on the aforesaid purchase money payment, notes or checks, any surplus shall be paid over the purchaser, and any deficiency shall be paid by him. There shall be no abatement in the purchase price because of damage or destruction of property by fire or otherwise. No representations have been made by the salesman that are not included herein. The purchaser agrees to pay the cost of collection and a reasonable attorney's fees on any part of said purchase price that may be collected by suit or by attorney after the same is past due. It is further understood and agreed that all covenants and agreements of this purchase shall be binding upon and applied to the heirs, executors, agents, legal representatives and assigns of the purchase. The above conditions of purchase and payment are hereby accepted. This order is not in effect until signed by TEM Management.

Agreed To And Accepted By:

Agreed To And Accepted By:

Client (Print Name): TROY F. PERRY

Consultant : Michael Probst

Client Title : FIRE CHIEF

Title : Sales Consultant

Client Signature

Signature :

TEM Management Acceptance:

Date:

10/13/2006 17:13 5618454137  
18/13/2006 16:46 5619425105

RIV BCH FIRE RESCUE

PAGE 01/03

PAGE 01



## CITY OF RIVIERA BEACH

P.O. DRAWER 10682  
RIVIERA BEACH, FL 33419-1682  
FLX 561/842-5165

**PURCHASE ORDER: 82095**

Page: 1 of 1

\*\*\*\*\* VENDOR \*\*\*\*\*  
JUNE EQUIPMENT OF MIAMI  
P.O. BOX 863504  
ORLANDO, FL 32886-3504

\*\*\*\*\* DELIVER TO \*\*\*\*\*  
CITY OF RIVIERA BEACH  
FIRE DEPARTMENT  
600 WEST BLUE HERON BLVD  
RIVIERA BEACH, FL 33404

Order No.	Date	Vendor No.	FOI	Term	Contract
10/13/06	11/12/06	FD	RIV BCH	NET 30 DAYS	916022

Reference No.	Vendor No.	Vendor Name	Vendor Fax	PO No.
FD002065	2387-1	561/741-2811		40943

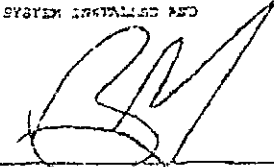
No.	Quantity	UOM	Description	Unit Price	Extended	Contract
1	1.00		REPLACE SLIDE GATE OPERATOR @ FIRE STATION #2 1-ND SLIDE GATE OPERATOR 20-CHURN #10 STANDARD (PER FT) 1-SUPPRESSOR-120 VAC (3 WIRE) 1-DETECTOR SOL CHAIRS 12V W/HARNES 1-ARMOR. REFLECTIVE 3" 1-POWER SUPPLY-12VAC, 20VA INCL LABOR, MATERIALS TO IN- STALL PRT & HANDLING ITEMS ACCESS CONTROL SYSTEM CURRENTLY IN USE @ FIRE DEPT. CITY ALSO HAS SERVICE AGRD. WENT W/VENDOR	2,794.9200	2,794.92	103-0920-572-0-6281
** TOTAL **					2,794.92	

**VENDOR INSTRUCTIONS:**

1. Mail Invoices to: CITY OF RIVIERA BEACH  
P.O. DRAWER 10682  
RIVIERA BEACH, FL 33419-1682  
ATTENTION: ACCOUNTS PAYABLE
2. Invoices and Packages must bear the P.O. No. Above.
3. Purchases may not exceed the total amount of this order without prior approval by the RIVIERA BEACH PURCHASING
4. Acceptance of this order includes acceptance of all terms, prices, delivery instructions, specifications and conditions.
5. State Tax Exempt: 8975229 EFM: 56-6008417
6. If you have questions, please call

**SPECIAL INSTRUCTIONS:**

REPAIR OF FIRE STATION 1 GATE  
CURRENT SECURITY ACCESS SYSTEM INSTALLED AND  
SERVICED BY TCM

  
PURCHASING DIRECTOR

VENDOR

MIAMI-DADE COUNTY  
BLANKET PURCHASE ORDER

BPO ID: ABCW0700667

PRINT DATE: 03/16/2007

PAGE: 01

\*\* ORIGINAL \*\*

VENDOR ID: 591143162

TEM SYSTEMS INC

4980 N HIATUS RD

SUNRISE

FL 33351

PRIME VENDOR SET ASIDE :

SUBVENDOR GOAL : 00%

PRIME VENDOR COMMITMENT: 00%

## SHIP TO:

AS SPECIFIED ON INDIVIDUAL ORDERS

PLEASE REFER ALL QUESTIONS  
CONCERNING THIS ORDER TO:  
ALI R SHAPIEK  
(305) 375-3904

ITB ID

AVCW0601424

EXPR DATE

03/31/2008

DISCOUNT TERMS

NET30

CONTRACT AMOUNT

86,335.00

BID NUMBER

8056-4/12

ITEM COMMODITY ID

U/M

UNIT COST

001 285-36

66,335.0000 LC

GATES, ELECTRIC (INCLUDING CARD READERS, ETC.)

MAINTENANCE OF SECURITY GUARD SERVICE.

END OF ITEM LIST

## AUTHORIZED DEPTS/USERS

AUTHORIZED DEPT:

PW\*\*\*\*\*

ALLOCATION:

CALLER ID

CALLERS NAME

DOLLAR LIMIT

PHONE NUMBER

\*\*\*\*\*

\$86,335.00 ( )

## TERMS:

COSTS OF MANDATORY RANDOM AUDIT BY THE INSPECTOR GENERAL ARE  
INCORPORATED INTO THIS CONTRACT AS 1/4 OF 1% OF THE CONTRACT  
CONTINUED, NEXT PAGE

MIAMI-DADE COUNTY  
BLANKET PURCHASE ORDER

BPO ID: ABCW0700667

PRINT DATE: 03/16/2007

PAGE: 02

\*\* ORIGINAL \*\*

## PRICE.

THIS CONTRACT IS SUBJECT TO A USER ACCESS FEE UNDER THE COUNTY USER ACCESS PROGRAM (UAP) IN THE AMOUNT OF TWO PERCENT (2%). THE VENDOR PROVIDING GOODS AND SERVICES UNDER THIS CONTRACT SHALL INVOICE THE CONTRACT PRICE AND SHALL ACCEPT AS PAYMENT THEREOF THE CONTRACT PRICE LESS THE 2% UAP AS FULL AND COMPLETE PAYMENT FOR THE GOODS AND/OR SERVICES SPECIFIED ON THE INVOICE. THE COUNTY SHALL RETAIN THE 2% UAP FOR USE BY THE COUNTY TO HELP DEFRAY THE COST OF THE PROCUREMENT PROGRAM. VENDOR PARTICIPATION IN THIS INVOICE REDUCTION PORTION OF THE UAP IS MANDATORY.

THIS IS A BLANKET PURCHASE ORDER COVERING PERIOD FROM 4/1/07 TO 3/31/08. DELIVERIES AGAINST THIS PURCHASE ORDER SHALL BE MADE IN QUANTITIES AND TIMES AS REQUESTED BY THE DEPARTMENT DURING SAID PERIOD. INVOICING SHALL BE ON A PER ORDER (DELIVERY) BASIS OR ON A MONTHLY INVOICE BASIS. ALL ITEMS IN ACCORDANCE WITH BID PROVISIONS AND SPECIFICATIONS AND THE VENDOR'S QUOTE OR BID. ESTIMATED QUANTITIES AND/OR DOLLARS ARE FOR RECORD PURPOSES ONLY. NO GUARANTEE IS EXPRESSED OR IMPLIED AS TO QUANTITIES AND/OR DOLLARS THAT WILL ACTUALLY BE PURCHASED. THE VENDOR ACCEPTS ALL RISKS ASSOCIATED WITH USING THIS INFORMATION.

\*\* ORIGINAL \*\*

AUTHORIZED SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\* LAST PAGE \*\*\*\*\*

9/18/2007			
<b>LAKE SHORE PARK</b>	<b>CONTRACTOR</b>	<b>COST</b>	<b>EXTRA</b>
<b>RENOVATION</b>		<b>900-99901</b>	
<b>SURVEY</b>	Calvin-Giordano	\$1,210.47	
<b>EXCAVATING</b>	RKC		
<b>FILL AND GRADING</b>	RKC	\$40,000.00	
<b>TOP SOIL</b>	Meyers	\$21,500.00	
<b>HEART TRAILS STAKE OUT</b>	Hoa		
<b>HEART TRAILS FINAL</b>	Hoa		
<b>LANDSCAPING</b>	Villa&Son	\$44,494.00	
	Change order	\$6,425.00	
<b>SILT FENCE</b>	Barnes	\$1,800.00	
<b>SOD</b>	Odums	\$30,000.00	
<b>ROLLING</b>	Odums		
<b>IRRIGATION</b>			
	Treasure Coast	\$21,450.00	
		\$1,125.00	\$1,125.00
		\$490.00	
<b>ELECTRICAL</b>	Kasper	\$37,752.46	\$20,000.00
<b>RECEPTACLES</b>	Kasper	Included	
<b>INVESTIGATE EXISTING LINES</b>	Global	\$3,300.00	\$3,300.00
<b>FOUNTAIN</b>		\$7,500.00	
<b>PUMP FOR FOUNTAIN</b>	SCP Distributor	\$171.02	
		\$330.65	
<b>FOUNTAIN BASIN</b>	Browning Becker	\$3,100.00	
<b>Waterproofing/Cast stone</b>	Browning Becker	\$4,500.00	
<b>SHELTERS</b>			
	24x24 Browning Becker	\$28,456.25	
	14x14 Browning Becker	\$17,693.75	
<b>CONCRETE PAD</b>	Browning Becker	Included	
<b>COLUMN AND ROOF</b>	Browning Becker	Included	
<b>SIDE WALK</b>	Browning Becker	\$29,962.80	
<b>FORMS</b>	Browning Becker	Included	
<b>SLEEVE</b>			
<b>CONCRETE</b>	Browning Becker	Included	
<b>PAVERS</b>	Browning Becker	\$9,990.00	
<b>ROCK FOR PLAQUE</b>	Browning Becker	\$475.00	
<b>PLAQUE</b>	Eerie Landmark	\$2,389.62	
<b>FLAG POLE</b>		\$2,794.72	
<b>FENCING</b>	Fence Crafters	\$27,652.00	\$27,652.00
<b>GATES-OPTIONAL</b>			
<b>PUBLIC WORKS</b>	Misc.	\$1,991.53	
	Home Depot, Lowe's...etc...		
<b>SCREENS TENNIS COURTS</b>		\$3,483.80	\$3,483.80
<b>SUBTOTAL RESERVE FUNDS</b>		\$348,827.60	
<b>LESS GRANT MONEY</b>		-\$12,391.37	
<b>TOTAL EXPENSES</b>		\$336,436.23	
<b>Amount Budgeted (Approved)</b>		-\$280,000.00	
<b>Budget Over</b>		\$56,436.23	
<b>Extra not in scope of work</b>			\$55,560.80
<b>PLAYGROUND</b>	From Addie Greene	301-337-708 GRANT	
<b>SWINGS</b>		\$47,745.82	4-Jun-07
<b>TODDLER</b>		\$6,786.45	
<b>TODDLER CANOPY</b>		\$6,138.38	
<b>WOOD FIBER SURFACE</b>		\$12,257.60	
<b>TRAIL WOOD FIBER-MULCH</b>		\$3,833.50	
<b>EXERCISE TRAIL EQUIP.</b>		\$10,979.41	
<b>BENCHES</b>		\$7,950.00	
<b>PICNIC TABLES</b>		\$2,484.00	
<b>ADA PICNIC TABLES</b>		\$728.00	
<b>TRASH RECEPTACLES</b>		\$4,896.00	
<b>BIKE RACKS</b>	Dero Bike Rack Company	\$5,313.35	June 11,2007
<b>SHELTERS</b>		\$12,391.37	
<b>WHIRLWIND SET</b>		\$1,189.35	
<b>SIGNAGE</b>		\$2,137.27	
<b>LIGHTING</b>	Municipal Lighting	\$17,341.50	
<b>SUBTOTAL GRANT</b>		\$142,170.00	

# TAB 16

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: September 26, 2007

Agenda Item No. 16

- |  |  |
|--|--|
| <input type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> ORDINANCE ON FIRST READING<br><input type="checkbox"/> BID/RFP Award<br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><input type="checkbox"/> Other: | <input type="checkbox"/> RESOLUTION<br><input type="checkbox"/> ORDINANCE ON SECOND READING<br><input checked="" type="checkbox"/> DISCUSSION<br><input type="checkbox"/> CONSENT AGENDA |
|--|--|

**SUBJECT:** Recreation Trailer

**RECOMMENDED MOTION/ACTION:** Review final costs

**Approved by Town Manager** [Signature]

**Date:** 9/20/07

Virginia Martin  
 Name/Title

September 19, 2007  
 Date of Actual Submittal

<b>Originating Department:</b>  Administration	Costs: \$ 58,386.62  Funding Source: General Fund  Acct. # 600-99900	<b>Attachments:</b> Cost Breakdown Palm Beach Post Article EMLab Report URS Corporation Final Report
<b>Department Review:</b> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____ <input type="checkbox"/> Finance _____	<input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Grants _____ <input type="checkbox"/> Human Resources _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____	<input type="checkbox"/> PBSO _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>GM</u> : Please initial one.

**Summary Explanation/Background:**

This will provide a brief overview of the expenses incurred by the Town in setting up the FEMA trailer obtained for use of the Parks and Recreation Department.



Recreation Trailer Itemized Expenses		
Item	Contractor	Amount
FEMA Trailer		\$ 10,556.00
Delivery	Phil's Mobile Homes	\$ 600.00
Tie-Down	Phil's Mobile Homes	\$ 2,200.00
Rock/Sub-Base	DS Eakins	\$ 1,080.00
	Public Works	\$ 1,250.00
Locksmith	American	\$ 718.00
Paving	GH Parker	\$ 5,984.00
Electrical	Global Electric	\$ 2,425.00
HVAC		\$ 949.00
Phones/Fax/DSL	Bellsouth/AT&T	\$ 1,000.00
Windows/Door Protection	JR Welding	\$ 3,540.00
Skirting Trailer	Browning & Becker	\$ 3,250.00
Handicap Ramp	REDD TEAM/SAPA	\$ 9,849.88
School Board Contract		\$ 217.25
Landscaping		
Misc. Supplies	Public Works	\$ 2,320.49
	<b>SUB TOTAL</b>	<b>\$ 45,939.62</b>
Environmental Inspection	URS Corporation	\$ 2,700.00
Water Intrusion Investigation	URS Corporation	\$ 810.00
Air Sampling for Formaldehyde	URS Corporation	\$ 207.00
Demolish and Replace Insulation and Interior Walls	Browning & Becker	\$ 5,760.00
Chemically treat for mold - Interior	Browning & Becker	\$ 1,320.00
Paint Interior	Browning & Becker	\$ 1,650.00
	<b>SUB TOTAL</b>	<b>\$ 12,447.00</b>
<b>TOTAL PROJECT COST</b>		<b>\$ 58,386.62</b>

 PRINT THIS

[PalmBeachPost.com](http://PalmBeachPost.com)

## FEMA blocks use of disaster trailers

 By [ELIOT KLEINBERG](#)

Palm Beach Post Staff Writer

Thursday, August 02, 2007

FEMA has frozen the use of travel trailers nationwide — including 500 in Florida — that it would use to house hurricane victims this summer, as it investigates whether trailers housing victims of Hurricane Katrina are riddled with dangerous levels of formaldehyde.

State emergency managers worry that the formaldehyde review could block use of those trailers and many more the Federal Emergency Management Agency potentially would rush into the state in a disaster.



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Half of the trailers in Florida are stored in a lot across from the St. Lucie County Fairgrounds and the rest are in Pensacola.

On the U.S. Gulf Coast, more than 76,000 people are still living in trailers and as many as 100,000 could have been exposed to formaldehyde. The gas has been linked to at least two deaths.

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"Because formaldehyde is commonly used in building materials and is prevalent in the environment, these experts have been asked to identify an acceptable air-quality level of formaldehyde," FEMA said. "Out of an abundance of caution, FEMA will temporarily suspend the installation, sale, transfer or donation of travel trailers or park model recreational vehicles currently in its inventory."

Roy Dunn, Florida's disaster housing chief, said Wednesday he hopes FEMA can quickly finish its review and free up the trailers.

"If we have a disaster that needs them, we at least want to have that tool in the toolbox," Dunn said.

But he said he will trust FEMA's contention that the review is critical.

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"They're in a tough position," Dunn said.

FEMA said Wednesday that trailers aren't the only option. After Hurricanes Frances and Jeanne, three-fourths of the Floridians seeking assistance were able to have their homes repaired and stay in them or get into other rental housing, the agency said.

FEMA said it used more than 15,000 trailers and about 4,000 mobile homes in Florida in the 2004 and 2005 storms and received only one complaint. That resident, a 2004 storm victim, was moved, the agency said.

The formaldehyde review doesn't cover mobile homes. FEMA bars them from being set up in flood zones, and many of the undeveloped spots where refugees could be concentrated would be in such zones.

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**Bambi Turner**

**From:** Bambi Turner  
**Sent:** Thursday, August 02, 2007 2:30 PM  
**To:** 'Carlton\_Gordon@URSCorp.com'  
**Cc:** Maria Davis  
**Subject:** RE: Mobile Trailer  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Good afternoon. Thank you for following up on this. I talked with our Public Works Director, Joseph Kroll, this afternoon. He asked me to contact you to arrange an inspection for tomorrow afternoon at 2 p.m., if you will be available.

*Bambi McMillon-Turner*

**Human Resources Director  
 Town of Lake Park  
 535 Park Avenue  
 Lake Park, Florida 33403  
 Telephone: 561-881-3300**

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**From:** Carlton\_Gordon@URSCorp.com [mailto:Carlton\_Gordon@URSCorp.com]  
**Sent:** Tuesday, July 31, 2007 11:01 AM  
**To:** Bambi Turner  
**Subject:** Mobile Trailer

Good Morning Ms. Turner:

This is a follow-up to the Town of Lake Park's request for additional services from URS to conduct air sampling in the mobile trailer. Please let me know if plans have changed.

Thank you,

**Carlton L. Gordon, Jr. CMA/CFE  
 Industrial Hygienist  
 URS Corporation  
 7800 Congress Avenue, Suite 200  
 Boca Raton, FL 33487  
 561-994-6500 (o) - 561-994-6524 (f)  
 561-212-3734 (m) - 561-862-1080 (d)**

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8/2/2007

**Bambi Turner**

**From:** Carlton\_Gordon@URSCorp.com  
**Sent:** Tuesday, August 21, 2007 9:21 AM  
**To:** Joseph Kroll  
**Cc:** Bambi Turner; Maria Davis; Frances\_Josephs@URSCorp.com  
**Subject:** RE: Mobile Trailer  
**Attachments:** Post remediation report.pdf

Joe,

please see the attached report relating to URS inspection and air sampling within the 7th Avenue Mobile Trailer at the Recreational Field. If you have any questions, please contact me at 561-212-3734.

Regards,

Carlton L. Gordon, Jr. CMA/CMI  
Industrial Hygienist  
URS Corporation  
7800 Congress Avenue, Suite 200  
Boca Raton, FL 33487  
561-994-6500 (o) - 561-994-6524 (f)  
561-212-3734 (m) - 561-862-1080 (d)

*(See attached file: Post remediation report.pdf)*

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8/21/2007

August 21, 2007

Ms. Bambi McKibbon-Turner  
Human Resources Director  
Town of Lake Park  
535 Park Avenue  
Lake Park, FL 33403

**RE: Visual Inspection and Air Sampling associated with the renovation of the mobile trailer at the 7<sup>th</sup> Avenue recreational field.**

Dear Ms McKibbon-Turner:

URS is pleased to present this report for conducting a visual inspection & air sampling relating to the renovation of the mobile trailer located at the recreation field on 7<sup>th</sup> Avenue in the Town of Lake Park, FL. The visual inspection was conducted on August 3, 2007 and the air sampling was conducted on August 14, 2007.

URS was requested to conduct post-remediation air sampling at the referenced property following the removal of water/mold damaged building materials due to water intrusion into the trailer at the windows. URS understands that removal of the water/mold damaged building materials was conducted by Browning & Becker Construction, Inc. Further, URS did not write a protocol for the remediation at this property and was only retained to conduct a visual inspection and post-remediation air sampling.

Prior to conducting air sampling, URS performed a visual inspection to identify if any apparent mold growth or water damage remained. No visible mold growth or water damage was observed. URS understands that the insulation throughout the trailer was replaced and observed that the drywall throughout the trailer was also removed and replaced with plywood panels. URS was informed by Mr. Joseph Kroll, Director of Public Works for the Town of Lake Park, that the points of water intrusion around the windows were corrected. There were frequent rain storms the days prior to URS' site visit, and no visible water intrusion issues were observed.

URS conducted spore trap sampling using Air-O-Cell® Bioaerosols spore trap cassettes. Spore trap sampling is used to determine the quantity and genus of mold spores found inside and outside the building. These samples also indicate the quantity of airborne mold mycelial or hyphal fragments. Mycelial fragments are pieces of mold mycelium and may be capable of reproduction. Mycelium is the branching tube-like hypha or mass of hyphae constituting the body of a fungus. Mycelium can be a form of reproduction of the fungus. Large quantities of mycelial fragments, spores, and/or different genera of spores found inside a building compared to the quantities observed outdoors could be an indication that a mold reservoir is present somewhere within the building. It is important to note that outdoor mold spore quantities and genera can vary greatly depending on climate conditions throughout the day and from season to season.

Two (2) samples were collected inside the trailer, and two (2) samples were collected outside to determine the effectiveness of the cleaning activity within the trailer. The samples were collected on August 14, 2007 using a Gast high volume air pump calibrated to a flow rate of approximately 15

liters per minute. Each sample was run for approximately five minutes, pulling a total volume of approximately 75 liters of air. The four (4) samples, along with one (1) blank sample for Quality Assurance and Quality Control (QA/QC), were submitted to Emlab P&K located in Ft. Lauderdale, Florida, for analysis.

**Conclusion & Recommendations**

The results of the bioaerosol spore trap air sampling identified fungal spore concentrations lower than those of the outdoor background levels. However, the indoor spore concentrations were slightly dominated by *Penicillium/Aspergillus* and *Curvularia* type spores, which are often associated with water-damaged building materials. As such, it is recommended that additional cleaning be conducted utilizing HEPA vacuums and using high volume air filtration devices with HEPA filters (air scrubbers) to filter the air inside the trailer.

The conclusions and opinions are based upon the review of field data and laboratory reports from samples collected at the above referenced property. The tests performed represent a picture in time and conditions at the property may change in the future.

The Laboratory Analytical Results are attached as appendices at the end of this report.

URS appreciated the opportunity to assist you in this matter. If you have any questions or need additional information on the above project, please contact us at your convenience.

Sincerely,  
URS CORPORATION

*Submitted By:*



**Carlton Gordon  
Industrial Hygienist  
Environmental Health and Safety**

*Reviewed By:*



**Luis E. Smith, CIH  
Senior Industrial Hygienist  
Environmental Health & Safety**

## **APPENDICES**



**APPENDIX A**  
**LABORATORY RESULTS**

## EMLab P&K

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Report for:

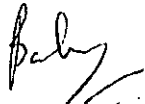
**Mr. Carlton Gordon**  
**URS Corporation, Boca Raton**  
7800 Congress Avenue, Suite 200  
Boca Raton, FL 33487

---

Regarding:      Project: Town of Lake Park; 7th Street Recreational Trailer  
                     EML ID: 323527

Date of Analysis: 08-15-2007

Approved by:

  
Lab Manager  
Baluswamy Krishnan

Project SOPs: Spore trap analysis (100005)

---

This coversheet is included with your report in order to comply with AIHA and ISO accreditation requirements.

For clarity, we report the number of significant digits as calculated; but, due to the nature of this type of biological data, the number of significant digits that is used for interpretation should generally be one or two. All samples were received in acceptable condition unless noted in the Report Comments portion in the body of the report. Due to the nature of the analyses performed, field blank corrections of results is not a standard practice. The results relate only to the items tested.

EMLab P&K ("the Company") shall have no liability to the client or the client's customer with respect to decisions or recommendations made, actions taken or courses of conduct implemented by either the client or the client's customer as a result of or based upon the Test Results. In no event shall the Company be liable to the client with respect to the Test Results except for the Company's own willful misconduct or gross negligence nor shall the Company be liable for incidental or consequential damages or lost profits or revenues to the fullest extent such liability may be disclaimed by law, even if the Company has been advised of the possibility of such damages, lost profits or lost revenues. In no event shall the Company's liability with respect to the Test Results exceed the amount paid to the Company by the client therefor.

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Document Number: 200091 - Revision Number: 5

Client: URS Corporation, Boca Raton  
C/O: Mr. Carlton Gordon  
Re: Town of Lake Park; 7th Street Recreational  
Trailer

Date of Submittal: 08-14-2007  
Date of Receipt: 08-14-2007  
Date of Report: 08-15-2007

**SPORE TRAP REPORT: NON-VIABLE METHODOLOGY**

Location:	12876314: Mobile trailer- center		12875606: Mobile trailer- south		12875850: Exterior		12875479: Exterior		12873100: Blank	
Comments (see below)	None		None		None		None		None	
Lab ID-Version†:	1413516-1		1413517-1		1413518-1		1413519-1		1413520-1	
	raw ct.	spores m <sup>3</sup>	raw ct.	spores m <sup>3</sup>	raw ct.	spores m <sup>3</sup>	raw ct.	spores m <sup>3</sup>	raw ct.	spores m <sup>3</sup>
Alternaria										
Arthrinium										
Ascospores*	2	107	2	107	12	640	18	960		
Aureobasidium										
Basidiospores*	8	427	11	587	25	1,330	23	1,230		
Bipolaris/Drechslera group	3	40								
Botrytis										
Cercospora							1	13		
Chaetomium										
Choanephora	3	40								
Cladosporium					4	213	4	213		
Curvularia	19	253	17	227	1	13				
Epicoccum										
Fusarium			2	27						
Myrothecium										
Nigrospora	1	13					1	13		
Other colorless										
Penicillium/Aspergillus types†	3	160	5	267	1	53	2	107		
Pithomyces	3	40	2	27						
Pyricularia			1	13	1	13	2	27		
Rusts*										
Smuts*, Periconia, Myxomycetes*	2	27	2	27	1	13	1	13		
Stachybotrys										
Stemphylium										
Torula			1	13						
Ulocladium										
Unknown										
Zygomycetes										
Background debris (1-4+)††	2+		2+		2+		2+		None	
Sample volume (liters)	75		75		75		75		0	
<b>TOTAL SPORE/m<sup>3</sup></b>		<b>1,107</b>		<b>1,295</b>		<b>2,275</b>		<b>2,576</b>		<b>N/A</b>

**Comments:**

\* Most of these spore types are not seen with culturable methods (Andersen sampling), although some may appear as non-sporulating fungi. Most of the basidiospores are "mushroom" spores while the rusts and smuts are plant pathogens.

† The spores of *Aspergillus* and *Penicillium* (and others such as *Acremonium*, *Paecilomyces*) are small and round with very few distinguishing characteristics. They cannot be differentiated by non-viable sampling methods. Also, some species with very small spores are easily missed, and may be undercounted.

†† Background debris indicates the amount of non-biological particulate matter present on the trace (dust in the air) and the resulting visibility for the analyst. It is rated from 1+ (low) to 4+ (high). Counts from areas with 4+ background debris should be regarded as minimal counts and may be actually higher than reported. Background debris also affects the reporting limit for some spore types. The reporting limit is dependent on spore size, background debris, sample volume, and the percentage of the trace analyzed. It is important to account for sample volumes when evaluating dust levels. The minimum reporting limit is based on a raw count of one, which the lowest count that can be detected.

‡ A "Version" greater than 1 indicates amended data.

Client: URS Corporation, Boca Raton  
C/O: Mr. Carlton Gordon  
Re: Town of Lake Park; 7th Street Recreational  
Trailer

Date of Submittal: 08-14-2007

Date of Receipt: 08-14-2007

Date of Report: 08-15-2007

**MoldRANGE™: Extended Outdoor Comparison****Outdoor Location: 12875850, Exterior**

Fungi Identified	Outdoor data	Typical Outdoor Data by Date†				Typical Outdoor Data by Location‡			
		Month: August				State: FL			
	spores/m3	low	med	high	freq %	low	med	high	freq %
<b>Generally able to grow indoors*</b>									
Alternaria	-	7	40	470	68	7	13	190	39
Bipolaris/Drechslera group	-	7	13	230	24	7	13	200	43
Chaetomium	-	7	13	120	16	7	13	260	7
Cladosporium	213	53	770	9,600	98	27	370	7,100	93
Curvularia	13	7	27	890	26	7	33	950	65
Nigrospora	-	7	13	220	18	7	20	210	47
Penicillium/Aspergillus types	53	50	280	3,400	91	26	160	3,300	77
Stachybotrys	-	7	13	640	4	7	13	400	2
Torula	-	7	13	170	16	7	13	180	17
<b>Seldom found growing indoors**</b>									
Ascospores	640	13	160	5,500	80	10	160	3,500	86
Basidiospores	1,330	13	290	17,000	95	13	320	8,800	96
Cercospora	-	7	27	350	13	7	13	160	26
Pyricularia	13	7	13	410	7	7	20	510	27
Rusts	-	7	17	290	27	7	13	210	12
Smuts, Periconia, Myxomycetes	13	8	47	880	79	7	40	650	73
<b>TOTAL SPORES/M3</b>	<b>2,275</b>								

† The Typical Outdoor Data by Date represents the typical outdoor spore levels across North America for the month indicated. The last column represents the frequency of occurrence. The low, medium, and high values represent the 2.5, 50, and 97.5 percentile values of the spore type when it is detected. For example, if the frequency of occurrence is 63% and the low value is 53, it would mean that the given spore type is detected 63% of the time and, when detected, 2.5% of the time it is present in levels above the detection limit and below 53 spores/m3. These values are updated periodically, and if enough data is not available to make a statistically meaningful assessment, it is indicated with a dash.

‡ The Typical Outdoor Data by Location represents the typical outdoor spore levels for the region indicated for the entire year. As with the Typical Outdoor Data by Date, the four columns represent the frequency of occurrence and the typical low, medium, and high concentration values for the spore type indicated. These values are updated periodically, and if enough data is not available to make a statistically meaningful assessment, it is indicated with a dash.

\*The spores in this category are generally capable of growing on wet building materials in addition to growing outdoors. Building related growth is dependent upon the fungal type, moisture level, type of material, and other factors. *Cladosporium* is one of the predominant spore types worldwide and is frequently present in high numbers. *Penicillium/Aspergillus* species colonize both outdoor and indoor wet surfaces rapidly and are very easily dispersed. Other genera are usually present in lesser numbers.

\*\*These fungi are generally not found growing on wet building materials. For example, the rusts and smuts are obligate plant pathogens. However, in each group there are notable exceptions. For example, agents of wood decay are members of the basidiomycetes and high counts of a single morphological type of basidiospore on an inside sample should be considered significant.

Interpretation of the data contained in this report is left to the client or the persons who conducted the field work. This report is provided for informational and comparative purposes only and should not be relied upon for any other purpose. "Typical outdoor data" are based on the results of the analysis of samples delivered to and analyzed by EMLab P&K and assumptions regarding the origins of those samples. Sampling techniques, contaminants infecting samples, unrepresentative samples and other similar or dissimilar factors may affect these results. In addition, EMLab P&K may not have received and tested a representative number of samples for every region or time period. EMLab P&K hereby disclaims any liability for any and all direct, indirect, punitive, incidental, special or consequential damages arising out of the use or interpretation of the data contained in, or any actions taken or omitted in reliance upon, this report.

Client: URS Corporation, Boca Raton  
C/O: Mr. Carlton Gordon  
Re: Town of Lake Park; 7th Street Recreational  
Trailer

Date of Submittal: 08-14-2007  
Date of Receipt: 08-14-2007  
Date of Report: 08-15-2007

**MoldRANGE™: Extended Outdoor Comparison****Outdoor Location: 12875479, Exterior**

Fungi Identified	Outdoor data	Typical Outdoor Data by Date†				Typical Outdoor Data by Location‡			
		Month: August				State: FL			
	spores/m3	low	med	high	freq %	low	med	high	freq %
<b>Generally able to grow indoors*</b>									
Alternaria	-	7	40	470	68	7	13	190	39
Bipolaris/Drechslera group	-	7	13	230	24	7	13	200	43
Chaetomium	-	7	13	120	16	7	13	260	7
Cladosporium	213	53	770	9,600	98	27	370	7,100	93
Curvularia	-	7	27	890	26	7	33	950	65
Nigrospora	13	7	13	220	18	7	20	210	47
Penicillium/Aspergillus types	107	50	280	3,400	91	26	160	3,300	77
Stachybotrys	-	7	13	640	4	7	13	400	2
Torula	-	7	13	170	16	7	13	180	17
<b>Seldom found growing indoors**</b>									
Ascospores	960	13	160	5,500	80	10	160	3,500	86
Basidiospores	1,230	13	290	17,000	95	13	320	8,800	96
Cercospora	13	7	27	350	13	7	13	160	26
Pyricularia	27	7	13	410	7	7	20	510	27
Rusts	-	7	17	290	27	7	13	210	12
Smuts, Periconia, Myxomycetes	13	8	47	880	79	7	40	650	73
<b>TOTAL SPORES/M3</b>	2,576								

† The Typical Outdoor Data by Date represents the typical outdoor spore levels across North America for the month indicated. The last column represents the frequency of occurrence. The low, medium, and high values represent the 2.5, 50, and 97.5 percentile values of the spore type when it is detected. For example, if the frequency of occurrence is 63% and the low value is 53, it would mean that the given spore type is detected 63% of the time and, when detected, 2.5% of the time it is present in levels above the detection limit and below 53 spores/m<sup>3</sup>. These values are updated periodically, and if enough data is not available to make a statistically meaningful assessment, it is indicated with a dash.

‡ The Typical Outdoor Data by Location represents the typical outdoor spore levels for the region indicated for the entire year. As with the Typical Outdoor Data by Date, the four columns represent the frequency of occurrence and the typical low, medium, and high concentration values for the spore type indicated. These values are updated periodically, and if enough data is not available to make a statistically meaningful assessment, it is indicated with a dash.

\*The spores in this category are generally capable of growing on wet building materials in addition to growing outdoors. Building related growth is dependent upon the fungal type, moisture level, type of material, and other factors. *Cladosporium* is one of the predominant spore types worldwide and is frequently present in high numbers. *Penicillium/Aspergillus* species colonize both outdoor and indoor wet surfaces rapidly and are very easily dispersed. Other genera are usually present in lesser numbers.

\*\*These fungi are generally not found growing on wet building materials. For example, the rusts and smuts are obligate plant pathogens. However, in each group there are notable exceptions. For example, agents of wood decay are members of the basidiomycetes and high counts of a single morphological type of basidiospore on an inside sample should be considered significant.

Interpretation of the data contained in this report is left to the client or the persons who conducted the field work. This report is provided for informational and comparative purposes only and should not be relied upon for any other purpose. "Typical outdoor data" are based on the results of the analysis of samples delivered to and analyzed by EMLab P&K and assumptions regarding the origins of those samples. Sampling techniques, contaminants infecting samples, unrepresentative samples and other similar or dissimilar factors may affect these results. In addition, EMLab P&K may not have received and tested a representative number of samples for every region or time period. EMLab P&K hereby disclaims any liability for any and all direct, indirect, punitive, incidental, special or consequential damages arising out of the use or interpretation of the data contained in, or any actions taken or omitted in reliance upon, this report.

Client: URS Corporation, Boca Raton  
C/O: Mr. Carlton Gordon  
Re: Town of Lake Park; 7th Street Recreational  
Trailer

Date of Submittal: 08-14-2007

Date of Receipt: 08-14-2007


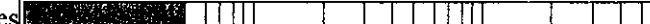

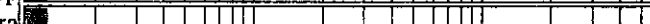

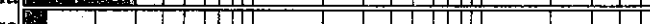
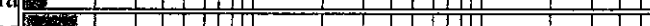

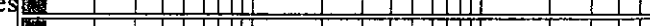
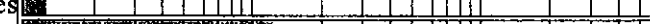
Date of Report: 08-15-2007

**MoldSTAT™: Supplementary Statistical Spore Trap Report****Outdoor Summary: 12875850: Exterior**

Species detected	Outdoor sample spores/m3				Typical outdoor ranges (North America)	Freq. %
	100	1K	10K	100K		
Ascospores				640	13 - 150 - 4,300	76
Basidiospores				1,330	13 - 310 - 13,000	92
Cladosporium				213	53 - 530 - 7,800	94
Curvularia				13	7 - 20 - 650	15
Penicillium/Aspergillus types				53	27 - 210 - 2,600	85
Pyricularia				13	7 - 13 - 350	4
Smuts, Periconia, Myxomycetes				13	7 - 40 - 760	71
<b>Total</b>				2,275		

The "Typical outdoor ranges" and "Freq. %" columns show the typical low, medium, and high spore counts per cubic meter and the frequency of occurrence for the given spore type. The low, medium, and high values represent the 2.5, 50, and 97.5 percentile values when the spore type is detected. For example, if the low value is 53 and the frequency of occurrence is 63%, it would mean that we typically detect the given spore type on 63 percent of all outdoor samples and, when detected, 2.5% of the time it is present in levels below 53 spores/m3.

**Indoor Samples****Location: 12876314: Mobile trailer-center**

% of outdoor total spores/m3	Friedman chi- square* (indoor variation)	Agreement ratio** (indoor/outdoor)	Spearman rank correlation*** (indoor/outdoor)	MoldSCORE**** (indoor/outdoor)		
Result: 48%	dF: 1 Result: 0.0000 Critical value: 3.8415 Inside Similar: Yes	Result: 0.6250	dF: 11 Result: 0.3705 Critical value: 0.5273 Outside Similar: No	Score: 213 Result: Medium		
Species Detected		Spores/m3				
		100	1K	10K	100K	
	Ascospores					107
	Basidiospores					427
	Bipolaris/Drechslera group					40
	Choanephora					40
	Curvularia					253
	Nigrospora					13
	Penicillium/Aspergillus types					160
	Pithomyces					40
	Smuts, Periconia, Myxomycetes					27
	Total					1,107

Client: URS Corporation, Boca Raton  
C/O: Mr. Carlton Gordon  
Re: Town of Lake Park; 7th Street Recreational  
Trailer

Date of Submittal: 08-14-2007  
Date of Receipt: 08-14-2007  
Date of Report: 08-15-2007

**MoldSTAT™: Supplementary Statistical Spore Trap Report**

Location: 12875606: Mobile trailer-south

% of outdoor total spores/m3	Friedman chi-square* (indoor variation)	Agreement ratio** (indoor/outdoor)	Spearman rank correlation*** (indoor/outdoor)	MoldSCORE**** (indoor/outdoor)
Result: 56%	dF: 1 Result: 0.0000 Critical value: 3.8415 Inside Similar: Yes	Result: 0.7500	dF: 10 Result: 0.4515 Critical value: 0.5515 Outside Similar: No	Score: 200 Result: Medium
Species Detected		Spores/m3		
		100	1K	10K
Ascospores				107
Basidiospores				587
Curvularia				227
Fusarium				27
Penicillium/Aspergillus types				267
Pithomyces				27
Pyricularia				13
Smuts, Periconia, Myxomycetes				27
Torula				13
<b>Total</b>				1,295

\* The Friedman chi-square statistic is a non-parametric test that examines variation in a set of data (in this case, all indoor spore counts). The null hypothesis (H0) being tested is that there is no meaningful difference in the data for all indoor locations. The alternative hypothesis (used if the test disproves the null hypothesis) is that there is a difference between the indoor locations. The null hypothesis is rejected when the result of the test is greater than the critical value. The critical value that is displayed is based on the degrees of freedom (dF) of the test and a significance level of 0.05.

\*\* An agreement ratio is a simple method for assessing the similarity of two samples (in this case the indoor sample and the outdoor summary) based on the spore types present. A score of one indicates that the types detected in one location are the same as that in the other. A score of zero indicates that none of the types detected indoors are present outdoors. Typically, an agreement of 0.8 or higher is considered high.

\*\*\* The Spearman rank correlation is a non-parametric test that examines correlation between two sets of data (in this case the indoor location and the outdoor summary). The null hypothesis (H0) being tested is that the indoor and outdoor samples are unrelated. The alternative hypothesis (used if the test disproves the null hypothesis) is that the samples are similar. The null hypothesis is rejected when the result of the test is greater than the critical value. The critical value that is displayed is based on the degrees of freedom (dF) of the test and a significance level of 0.05.

\*\*\*\* MoldSCORE™ is a specialized method for examining air sampling data. It is a score between 100 and 300, with 100 indicating a greater likelihood that the airborne indoor spores originated from the outside, and 300 indicating a greater likelihood that they originated from an inside source. The Result displayed is based on the numeric score given and will be either Low, Medium, or High, indicating a low, medium, or high likelihood that the spores detected originated from an indoor source. EMLab P&K reserves the right to, and may at anytime, modify or change the MoldScore algorithm without notice.

Interpretation of the data contained in this report is left to the client or the persons who conducted the field work. This report is provided for informational and comparative purposes only and should not be relied upon for any other purpose. "Typical outdoor ranges" are based on the results of the analysis of samples delivered to and analyzed by EMLab P&K and assumptions regarding the origins of those samples. Sampling techniques, contaminants infecting samples, unrepresentative samples and other similar or dissimilar factors may affect these results. With the statistical analysis provided, as with all statistical comparisons and analyses, false-positive and false-negative results can and do occur. EMLab P&K hereby disclaims any liability for any and all direct, indirect, punitive, incidental, special or consequential damages arising out of the data contained in, or any actions taken or omitted in reliance upon, this report.

Client: URS Corporation, Boca Raton  
C/O: Mr. Carlton Gordon  
Re: Town of Lake Park; 7th Street Recreational  
Trailer

Date of Submittal: 08-14-2007

Date of Receipt: 08-14-2007

Date of Report: 08-15-2007

**MoldSTAT™: Supplementary Statistical Spore Trap Report****Outdoor Summary: 12875479: Exterior**

Species detected	Outdoor sample spores/m3				Typical outdoor ranges (North America)	Freq. %
	100	1K	10K	100K		
Ascospores				960	13 - 150 - 4,300	76
Basidiospores				1,230	13 - 310 - 13,000	92
Cercospora				13	7 - 22 - 330	7
Cladosporium				213	53 - 530 - 7,800	94
Nigrospora				13	7 - 13 - 200	13
Penicillium/Aspergillus types				107	27 - 210 - 2,600	85
Pyricularia				27	7 - 13 - 350	4
Smuts, Periconia, Myxomycetes				13	7 - 40 - 760	71
<b>Total</b>				<b>2,576</b>		

The "Typical outdoor ranges" and "Freq. %" columns show the typical low, medium, and high spore counts per cubic meter and the frequency of occurrence for the given spore type. The low, medium, and high values represent the 2.5, 50, and 97.5 percentile values when the spore type is detected. For example, if the low value is 53 and the frequency of occurrence is 63%, it would mean that we typically detect the given spore type on 63 percent of all outdoor samples and, when detected, 2.5% of the time it is present in levels below 53 spores/m3.

**Indoor Samples****Location: 12876314: Mobile trailer-center**

Location: 12070517: Mobile trailer corner					
% of outdoor total spores/m3	Friedman chi-square* (indoor variation)	Agreement ratio** (indoor/outdoor)	Spearman rank correlation*** (indoor/outdoor)	MoldSCORE**** (indoor/outdoor)	
Result: 42%	dF: 1 Result: 0.0000 Critical value: 3.8415 Inside Similar: Yes	Result: 0.5882	dF: 12 Result: 0.0944 Critical value: 0.4965 Outside Similar: No	Score: 214 Result: Medium	
Species Detected		Spores/m3			
		100	1K	10K	100K
	Ascospores	<div><div></div></div>			107
	Basidiospores	<div><div></div></div>			427
	Bipolaris/Drechslera group	<div><div></div></div>			40
	Choanephora	<div><div></div></div>			40
	Curvularia	<div><div></div></div>			253
	Nigrospora	<div><div></div></div>			13
	Penicillium/Aspergillus types	<div><div></div></div>			160
	Pithomyces	<div><div></div></div>			40
	Smuts, Periconia, Myxomycetes	<div><div></div></div>			27
	Total	<div><div></div></div>			1,107



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Date of Submittal: 08-14-2007  
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Date of Report: 08-15-2007

**MoldSTAT™: Supplementary Statistical Spore Trap Report**

Location: 12875606: Mobile trailer-south

% of outdoor total spores/m3	Friedman chi-square* (indoor variation)	Agreement ratio** (indoor/outdoor)	Spearman rank correlation*** (indoor/outdoor)	MoldSCORE**** (indoor/outdoor)
Result: 50%	df: 1 Result: 0.0000 Critical value: 3.8415 Inside Similar: Yes	Result: 0.5882	df: 12 Result: 0.2378 Critical value: 0.4965 Outside Similar: No	Score: 203 Result: Medium
Species Detected		Spores/m3		
		100	1K	10K
Ascospores				107
Basidiospores				587
Curvularia				227
Fusarium				27
Penicillium/Aspergillus types				267
Pithomyces				27
Pyricularia				13
Smuts, Periconia, Myxomycetes				27
Torula				13
<b>Total</b>				1,295

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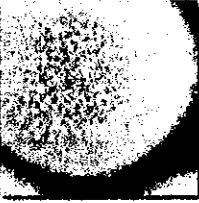

\*\*\* The Spearman rank correlation is a non-parametric test that examines correlation between two sets of data (in this case the indoor location and the outdoor summary). The null hypothesis (H0) being tested is that the indoor and outdoor samples are unrelated. The alternative hypothesis (used if the test disproves the null hypothesis) is that the samples are similar. The null hypothesis is rejected when the result of the test is greater than the critical value. The critical value that is displayed is based on the degrees of freedom (df) of the test and a significance level of 0.05.

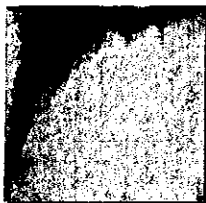
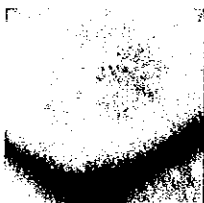

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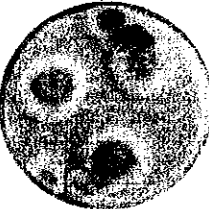
**APPENDIX B**  
**FUNGAL GLOSSARY**



## Fungi Glossary

<p><b><i>Alternaria</i></b></p>	<p><i>Alternaria</i> is a large and widespread genus, the conidia of which are easily carried by the wind, with peak concentrations in the summer and early fall. <i>Alternaria</i> is commonly found in house dust, carpets, textiles, on horizontal surfaces in building interiors, and window frames. It is one of the main fungal causes of allergy, being a common type I &amp; III allergen. Outdoors, it may be isolated from samples of soil, seeds and plants, and is frequently reported in air. The large spore size suggests that this fungus will deposit in the nose, mouth and upper respiratory tract causing nasal septum infections. It has also been associated with hypersensitivity pneumonitis. It is a common cause of extrinsic asthma. Acute symptoms include edema and bronchospasms; chronic cases may develop pulmonary emphysema. Baker's asthma is associated with inhalation of <i>Alternaria</i> conidia present in flour. Other diseases caused by <i>Alternaria</i> include: Farmer's lung, mycotic keratitis, skin infections, and osteomyelitis.</p> <p>Also, the species <i>A. alternata</i> is capable of producing tenuazonic acid and other toxic metabolites that may be associated with disease in humans or animals. Several species are pathogenic to plants and contribute to the spoilage of agricultural products. <i>Alternaria</i> has been isolated from substrates such as sewage, leather, stone monuments, optical instruments, cosmetics, computer disks, and jet fuel. Morphological characteristics include abundant production of conidia that are large (18-83 x 7-18 microns) and multicellular with both transverse and longitudinal septa; conidiophores are dark, mostly simple. Colonies grow fast, are suede-like to floccose, and black to olivaceous-black or grayish in color. (<math>A_w</math> 0.85-0.89) Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p> 
<p><b><i>Amerospore</i></b></p>	<p>Amerospores are small, round, non-septate asexual spores or spore-like particles, indistinguishable from each other at 600X magnification using light microscopy. They include <i>Trichoderma</i> and unchained spores of <i>Aspergillus</i> and <i>Penicillium</i>. Amerospores can also include <i>Acremonium</i>, <i>Verticillium</i>, <i>Paecilomyces</i>, <i>Scytalidium</i>, <i>Cunninghamella</i>, <i>Monocillium</i>, <i>Gliocladium</i>, and some yeasts.</p>
<p><b><i>Ascospore</i></b></p>	<p>Ascospores are a general category of spores that have been produced by means of sexual reproduction (in a sack-like structure called an ascus). These are ubiquitous saprobes and plant pathogens, many of which are easily identifiable (i.e. <i>Chaetomium</i>). This group contains potential opportunistic pathogens, toxin producers, and allergens depending on the genus and species. A rupture in the top portion of the ascus disperses the spores during rain or in times of high humidity. Some asexual fungi, such as <i>Aspergillus</i> and <i>Penicillium</i> can become sexual under specific conditions, these are then considered ascomycetes and are given distinct names.</p>
<p><b><i>Aspergillus</i></b></p>	<p><i>Aspergillus</i> is a common type I &amp; III allergen. They are frequently isolated from forest products, soils, grains, nuts, cotton, organic debris, and water damaged building materials. Spores can also be found in moist ventilation systems and house dust. There are more than 160 different species of <i>Aspergillus</i>, sixteen of which have been documented as etiological agents of human disease but rarely occur in individuals with normally functioning immune systems. However, due to the substantial increase in populations of individuals with HIV, chemotherapy patients and those on corticosteroid treatment, contamination of building substrates with fungi, particularly <i>Aspergillus</i> is of concern. Aspergillosis is now the second most common fungal infection requiring hospitalization in the United States. Many <i>Aspergillus</i> species produce mycotoxins that may be associated with diseases in humans and other animals. Toxin production is dependent on the species or strain within the species and on the food source for the fungus. Some of these toxins are carcinogenic including aflatoxins and ochratoxin. <i>Aspergillus</i> is a common cause of extrinsic asthma with symptoms including edema and bronchospasms, and chronic cases may develop pulmonary emphysema. These fungi are frequently secondary opportunistic pathogens in patients with bronchiectasis, carcinoma, other mycosis, sarcoid, and tuberculosis. Some species can also cause onychomycosis (infection of the nail). (<math>A_w</math> 0.71 - 0.94). Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days. Speciation of <i>Aspergillus</i> requires the culture of the fungus under different conditions of media, humidity, and temperature.</p> 
<p><b><i>Basidiospore</i></b></p>	<p>Basidiospores are a general category of sexual spores that have been released from the basidium of a fungus. A ubiquitous type I &amp; III allergen, saprobe and plant pathogen, mainly found in gardens, forests, and woodlands. Spores disseminate during rain or in times of high humidity. Rarely opportunistic pathogens, Basidiospores may</p>

	produce toxins, including amanitins, monomethyl-hydrazine, muscarine, ibotenic acid, and psilocybin. Basidiospores are an agent of dry wood rot, which may destroy the structure wood of buildings.
<b><i>Bipolaris</i></b>	<p><i>Bipolaris</i> is a plant parasite mostly on subtropical and tropical plants, particularly to Graminae. Some species are pathogenic to grasses and animals such as the dog, and may cause nasal mycotic granuloma in cattle. This fungus can grow in semi-dry environments. <i>Bipolaris</i> is commonly found in dead or dying plant debris, soils, and grasses. It has been reported to produce the mycotoxin, sterigmatocystin that has been shown to cause liver and kidney damage when ingested by laboratory animals. This fungus is associated with phaeohyphomycosis, a disease consisting of a group of mycotic infections characterized by the presence of demataceous septate hyphae. Infections of the eyes and skin by black fungi could also be classified as phaeohyphomycosis. This fungus causes allergic fungal sinusitis, characterized by the presence of <i>Bipolaris</i> in the sinuses. In certain people with severe allergies, the large spores of this fungus can travel to the sinuses or upper respiratory tract, where they attach to the mucus and grow; producing an unrelenting allergic reaction that progressively and permanently damages the sinuses. Morphological characteristics of this genus are the production of brown conidia that are multi-celled, elliptical, straight or curved. Culture – Potato dextrose agar or Malt extract agar, 20 - 25°C, 7 - 10 days.</p>
<b><i>Botrytis</i></b>	<p><i>Botrytis</i> sp. is a type I &amp; III allergen, not a known toxin producer or opportunistic pathogen. Mostly reported to be found in tropical and temperate areas. This fungus is a parasite of plants, soft fruits and vegetables. The cause of leaf/root rot on fruits and vegetables such as, strawberries and onions. It is also known as "gray mold" or "noble rot" on wine grapes. <i>Botrytis</i> is known to cause allergies and induce asthma attacks, and is also a rare agent of keratomycosis. In some types of agricultural settings, such as greenhouses, the concentration of aerosolized spores may be greatly enhanced. <i>Botrytis</i> is also used in some types of wine production. Conidia are hyaline or gray in mass, 1-celled, ovoid, and 7-14 x 5-9 microns in size. (<math>A_w</math> – 0.93-0.95) Culture – Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p> 
<b><i>Chaetomium</i></b>	<p><i>Chaetomium</i> is found worldwide on a variety of substrates including paper, damp sheetrock, carpet, plant compost, soil, and between layers of wet plywood. Several species have been reported to play a major role in decomposition of cellulose-based materials, and is often found indoors with <i>Stachybotrys</i>. These fungi are able to dissolve the cellulose fibers in cotton and paper and thus cause the materials to disintegrate. The process is especially rapid under moist conditions. During the Second World War, countries lost a great deal of equipment to these species. <i>Chaetomium</i> is reported to have type I &amp; III allergens, and can produce sterigmatocystin, a mycotoxin shown to cause kidney and liver damage in laboratory animals. It is not a common human pathogen, but it has been known to cause skin and nail infections. It is an ascomycete, and in most species the spores are lemon-shaped, with a single germ pore. The spore column results from the breakdown of the asci within the body of the perithecium. The perithecia of <i>Chaetomium</i> are superficial and barrel-shaped, and they are clothed with dark, stiff hairs. It can produce an <i>Acremonium</i>-like state (imperfect stage) on fungal media. Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p> 
<b><i>Cladosporium</i></b>	<p><i>Cladosporium</i> is widely distributed in air and rotten organic material. <i>C. herbarum</i> is the most frequently found species in outdoor air in temperate climates. It is often found indoors, usually in lesser numbers than outdoors. The dry conidia become easily airborne and are transported over long distances. This fungus is often encountered in dirty refrigerators, especially in reservoirs where condensation is collected. It can easily be seen on moist window frames covering the whole painted area with a velvety olive-green layer. <i>Cladosporium</i> often discolors interior paint, paper, or textiles stored under humid conditions. Houses with poor ventilation, houses with thatched straw roofs and houses situated in damp environments may have heavy concentrations of <i>Cladosporium</i>, which will be easily expressed when domestic mold is analyzed. It is commonly found on the surface of fiberglass duct liner in the interior of supply ducts. It is also found naturally on dead &amp; woody plants, food, straw, soils, paint, and textiles. The ability to sporulate heavily, ease of dispersal, and buoyant spores makes this fungus the most important fungal airway allergen; and together with <i>Alternaria</i>, it commonly causes asthma and hay fever in the Western hemisphere. A few species of this genus cause disease, which range from phaeohyphomycosis, a group of mycotic infections characterized by the presence of demataceous septate hyphae. Infections of the eyes and skin by black fungi (also classified as phaeohyphomycosis), and chromoblastomycosis, chronic localized infection of the skin and</p> 

<b><i>Cladosporium</i></b> <b>(cont...)</b>	subcutaneous tissue that follows the traumatic implantation of the etiologic agent are also caused by this fungus. Chromoblastomycosis lesions are verrucoid, ulcerated, and crusted. Skin abscesses, mycotic keratitis and pulmonary fungus ball have been recorded in immunocompromised patients. It may also cause corneal infections and mycetoma, characterized by localized infections that involve cutaneous and subcutaneous tissue, fascia, and bone consisting of abscesses, granulomata, and draining sinuses, usually in immunocompromised hosts. <i>Cladosporium</i> produces the toxins cladosporin and emodin, but neither of these is very toxic. Fungal colonies are powdery or velvety olive-green to olive-brown. Other characteristics include dark conidia that are 1- or 2-celled and are variable in shape and size, typically ovoid to cylindrical in shape. ( $A_w$ 0.84 – 0.88) Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 – 10 days.
<b><i>Conidia</i></b>	Asexual spores of fungi that form at the tips and the sides of hyphae. Conidia are not unusually resistant to adverse environmental conditions and serve to promote aerial dissemination.
<b><i>Curvularia</i></b>	<i>Curvularia</i> is reported to be a common type I allergen and is pathogenic to soil, plants, and cereals in tropical and subtropical areas. It is an opportunistic leaf spot fungus and weak pathogen, which survives as a saprobe, and is easily isolated from dead turf and weakened and/or dead plant tissue. Some species of <i>Curvularia</i> are known as storage molds of grains. This fungus may cause corneal infections, mycetoma and infections in immunocompromised individuals. The species <i>C. lunata</i> is the most commonly encountered species and a cause of disease in humans and animals. Conidiophores are brown, mostly simple, and bear conidia apically; conidia are 3- to 5-celled and curved with a larger and darker central cell. Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 – 10 days.
<b><i>Dreschlera</i></b>	<i>Dreschlera</i> is a common type I allergen and opportunistic pathogen to certain plant/ grass and animal species. It is a potential toxin producer, commonly found on plant debris, soil, and a variety of substances indoors in tropical to subtropical areas. <i>Dreschlera</i> is one of the most commonly found allergenic spores along with <i>Cladosporium</i> , <i>Alternaria</i> , and <i>Epicoccum</i> . They all can cause allergenic symptoms such as hay fever and asthma. Many species are known to cause <i>Dreschlera</i> leaf spot, crown rot, and root rot. The fungi will survive for several years in dead clippings or infected grass plants. The highest concentrations of spores are found in the springtime when they are produced and carried to new leaves by air currents, mowers, and splashing water. The spores will then germinate in a film of moisture and infect the leaves, causing the spotting. Culture – Potato dextrose agar or Malt extract agar, 20° – 25°C, 7 – 10 days.
<b><i>Oidium</i></b>	This is a widespread mitosporic fungi commonly found on leaves, stems, flowers, and fruits as a parasite in temperate to tropical areas. It has also been isolated from dust, and is considered to be part of the normal outdoor microbial population. It is a known plant pathogen, and a cause of powdery mildew. One species, <i>Oidium tenellum</i> , has been reported to be a mycoparasite. The name <i>Oidium</i> is used for the asexual or anamorphic states of many species in the Erysiphaceae. Culture – Potato dextrose agar or Malt extract agar, 20° – 25°C, 7 – 10 days.
<b><i>Myxomycete</i></b>	This ubiquitous, type I allergen, considered a slime mold, is commonly found in forested areas where bark, soil, dung, and leaf litter are present, however occasionally found indoors. Aquatic myxomycetes have been found in swamps and streams. Most myxomycetes are widely distributed. Reasons for substrate specificity are unknown but may be attributed to physical and biotic factors. Myxomycetes provide food, shelter, and a breeding place for various species of insects, the most common one found in temperate forests are beetles. Being on the border of the plant and animal kingdoms, myxomycetes are not considered true fungi. There are approximately 45 genera and about 500 species. Dispersed by wind in its dry phase, the wet amoebic phase is motile. Myxomycetes exhibit characteristics of protozoans and fungi. Indistinguishable from Smuts under 600X microscopy.

<b><i>Nigrospora</i></b>	<p><i>Nigrospora</i> is a type I allergen commonly found in subtropical to tropical areas in soil, decaying plants, and seeds. This fungus can be a plant parasite or saprophyte on living and dead grasses causing ear and stalk rot. It is easily isolated from dead lawn grass in autumn. It is also associated with "squirter" and "black end" disease of banana, elm wilt, damping-off in red pine, rot of cauliflower, bark necrosis of apples, and is a saprobe on rice, causing minute leaf and grain spot. This fungus is a very rare cause of human infection but has been implicated in keratitis and isolated from skin lesions of a leukemia patient. Morphological characteristics include shiny black conidia, that are 1-celled, egg-shaped to flattened-spherical, are produced singly, and often have an equatorial colorless line or germ slit. <i>Nigrospora</i> often appears as white wooly colonies growing fairly rapidly. It can be compared with <i>Humicola</i>, but is differentiated by its very black conidia that originate from hyaline, inflated conidiophores. Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p>
<b><i>Penicillium</i></b>	 <p>A large number of organisms belong to this genus, and identification to species is difficult. Often found in aerosol samples, it is common in soil, food, cellulose, paint, grains, and compost piles. In the indoor environment it is in carpet, wallpaper, and in interior fiberglass duct insulation. Although this fungus causes fewer allergies than other molds, <i>Penicillium</i> is reported to be a type I &amp; III allergen. It may cause hypersensitivity pneumonitis and allergic alveolitis in susceptible individuals. It can cause other infections such as keratitis, penicilliosis, and otomycosis. Some species can produce mycotoxins including Ochratoxin, which is damaging to the kidneys and liver and is also a suspected carcinogen; there is also evidence that impairs the immune system. It also produces Citrinin that can cause renal damage, vasodilatation, and bronchial constriction and Gliotoxin, which is immunosuppressive. Patulin is another of its mycotoxins that is believed to cause hemorrhaging in the brain and lungs and is usually associated with apple and grape spoilage. It can also cause extrinsic asthma. <i>P. camemberti</i> has been responsible for inducing occupational allergies among those who work with soft white cheeses on which the fungus grows (cheese washer's lung). <i>P. marneffei</i> is the major pathogenic species causing infections of the lymphatic system, lungs, liver, skin, spleen, and bone, and is also the only species of the genus to have a yeast-like phase induced by temperature. <i>Penicillium</i> sp. are recognized by their dense brush-like spore-bearing structures. (<math>A_w</math> -0.78-0.86). Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p>
<b><i>Periconia</i></b>	<p>This is a widespread mitosporic fungi commonly found in temperate to tropical areas on soils, plant debris, grasses, and air. <i>Periconia</i> is rarely found growing indoors. It is parasitic or saprophytic on plants, and can be a cause of root rot. Rare cases of mycotic keratitis have been reported from <i>Periconia</i>. The species, <i>P. circinata</i> can produce Peritoxins, which are secondary metabolites. Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p>
<b><i>Peronospora</i></b>	<p><i>Peronospora</i> is a widespread obligate parasite of vascular plants, causing diseases called downy mildews. It is commonly found in temperate to warm-temperate areas on leaves, stems, flowers, and fruits and vegetables. All 260 species that are recognized are considered plant pathogens. The spores of <i>Peronospora</i> may be found indoors as a part of the normal influx of outdoor molds. The species <i>P. tabacina</i> is the cause of the Blue-Mold Disease of tobacco. The name refers to the bluish-purple color of the sporangia, which is a feature of many species of <i>Peronospora</i>. Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p>
<b><i>Pithomyces</i></b>	<p><i>Pithomyces</i> is found growing on decaying plants, especially grasses, soil, and wood in tropical areas, it is rare in cold climates. It may grow on paper but is not prolific indoors. This fungus has demonstrated allergenic activity; it is also considered an etiologic agent in immunocompromised patients. The most common saprophytic species, <i>P. chararum</i> produces a mycotoxin called sporidesmin (a piperazinedione) known to be pathogenic in animals causing liver damage and facial eczema, a condition of severe dermatitis in cattle, sheep, and goats. <i>Pithomyces</i> can be found on dead vegetative material in pastures, especially ryegrass. It favors warm, wet, humid weather, heavy dews, or irrigation. Spores are produced at the apex of short side branches of vegetative filaments, they are dark brown, and two to several celled. <i>P. chararum</i> spores have both longitudinal and transverse septa. Culture - Potato dextrose agar or Malt extract agar, 20° - 25°C, 7 - 10 days.</p>
<b><i>Rusts</i></b>	<p>The Order Uredinales, or rusts, are among the most important of the Basidiomycetes. There are about 4000-6000 species of rusts, all of which are plant parasites requiring at least one plant as a host to complete its lifecycle. They attack more types of wild and domesticated plants than any other natural fungus. They have a complex lifecycle, having five different spore types including basidiospores, pycniospores, aeciospores, teliospores, and urediospores (the most common one found). It is a type I allergen, and not a known toxin producer. Rusts produce red or rusty to orange spores. They can be found on trees, flowers, grasses, and other living plant materials. Very rarely found</p>

	growing indoors, unless their host plants are present. Culture – Not recommended. Microscopy of spores provides tentative identification.
<b>Smuts</b>	Smuts are ubiquitous, type I allergens that are parasitic plant pathogens, which require a living host to complete their life cycle, and are not usually found growing indoors. Smuts are most often found on corn, grass, weeds, flowering plants and other fungi; they are usually disseminated by wind. They are called smuts because they form black powdery spore masses that resemble soot or smut. Smuts are indistinguishable from Myxomycetes and <i>Periconia</i> under 600x microscopy.
<b>Torula</b>	<p><i>Torula</i> is a yeast-like fungus reported to be a type I allergen. It is a saprophyte (weak parasite) in mild areas on soils, dead wood, leaves, food, hay, textiles, and in the air. This fungus can also be found indoors on cellulose-based materials. The species <i>T. ligniperda</i> causes a stain in hardwoods. <i>Torula</i> is one of many fungi that ferment sugars and are commonly found in dairy products, known as <i>Torula yeast</i>. Its popularity in the food industry comes from it being inexpensive to produce, and having a high amino acid (Lysine) and protein content. Morphological characteristics - Conidiophores short, dark, simple, branched or absent; conidia 1-to several-celled, round, dark, and in chains. (<math>A_w</math>-0.62-0.92) Culture - Potato dextrose agar or Malt extract agar, 20° – 25°C, 7 – 10 days.</p> 
<b>Ulocladium</b>	<p><i>Ulocladium</i> is reported to be a major type I allergen. This saprobe (weak parasite) is widespread and commonly found on plant materials, soils, dung, grass, compost, and textiles. Some species are cellulolytic and can grow on water-damaged building materials. <i>Ulocladium</i> is also found in dust and air samples; and indoors on carpets and painted surfaces. This mitosporic (lacks a sexual state) fungus has been reported from cases of phaeohyphomycosis (cutaneous and subcutaneous infections caused by dematiaceous (dark-walled) fungi). Infection sites for susceptible hosts vary widely. Conidia are dark brown to black, egg-shaped to cylindrical, solitary, smooth or rough, divided into several cells by transverse, longitudinal walls. The colonies are moderately fast growing, wooly to cottony or velvety, olive-brown to black or grayish in color. (<math>A_w</math> - 0.89). Culture - Potato dextrose agar or Malt extract agar, 20° – 25°C, 7 – 10 days.</p> 
<b>Unclassified Conidia</b>	Unclassified conidia are not classified as any of the recognized spores. They have a definite edge making it look "spore-like". Some commonly seen unidentified conidia are a spore that resembles an octopus with a large body and tentacle-like arms radiating from one side of the spore or a brown to black spore that resembles a four-leaf clover. Generally these spores can be cultured for definitive identification.